

**LAWS AND REGULATIONS RELATING TO  
LICENSURE AS A PSYCHOLOGIST**



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## **DISCLAIMER**

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this professions, please visit <http://lrc.ky.gov>.

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## KENTUCKY REVISED STATUTES

### **319.005 Practice of psychology and use of title by persons not licensed or certified prohibited -- Voluntary health practitioners.**

- (1) No person shall engage in the practice of psychology as defined in KRS 319.010 or hold himself or herself out by any title or description of services which incorporates the words "psychological," "psychologist," or "psychology", unless licensed by the board. No person shall engage in the practice of psychology in a manner that implies or would reasonably be deemed to imply that he or she is licensed, unless he or she holds a valid license issued by the board.
- (2) The provisions of subsection (1) of this section shall not apply to volunteer health practitioners providing services under KRS 39A.350 to 39A.366.

**Effective:** June 26, 2007

**History:** Amended 2007 Ky. Acts ch. 96, sec. 16, effective June 26, 2007. -- Amended 2001 Ky. Acts ch. 80, sec. 1, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 1, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 128, sec. 1, effective July 15, 1986. -- Created 1964 Ky. Acts ch. 154, sec. 14.

### **319.010 Definitions.**

As used in this chapter unless the context requires otherwise:

- (1) "Association" means the Kentucky Psychological Association;
- (2) "Board" means the Kentucky Board of Examiners of Psychology;
- (3) "Credential holder" means any person who is regulated by the board;
- (4) "EPPP" means the Examination for Professional Practice in Psychology developed by the Association of State and Provincial Psychology Boards;
- (5) "IPC" means the Interjurisdictional Practice Certificate developed by the Association of State and Provincial Psychology Boards;
- (6) "License" means the credential issued by the board to a licensed psychologist, licensed psychological practitioner, certified psychologist with autonomous functioning, certified psychologist, or a licensed psychological associate;
- (7) "Practice of psychology" means rendering to individuals, groups, organizations, or the public any psychological service involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, and psychotherapy; and psychological testing in constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotion, and motivation. The application of said principles in testing, evaluation, treatment, use of psychotherapeutic techniques, and other methods includes, but is not limited to: diagnosis, prevention, and amelioration of adjustment problems and emotional, mental, nervous, and addictive disorders and mental health conditions of individuals and groups; educational and vocational counseling; the evaluation and planning for effective work and learning situations; and the resolution of interpersonal and social conflicts;
- (8) "Psychotherapy" means the use of learning, conditioning methods, and emotional reactions, in a professional relationship, to assist a person or persons to modify feelings, attitudes, and behavior which are intellectually, socially, or emotionally maladjustive or ineffectual; and

- (9) "Psychologist" means any person who holds himself or herself out by any title or description of services incorporating the words "psychologic," "psychological," "psychologist," "psychology," "psychopractice," or any other term or terms that imply he or she is trained, experienced, or an expert in the field of psychology.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 1, effective July 15, 2010. -- Amended 2001 Ky. Acts ch. 80, sec. 2, effective June 21, 2001. -- Amended 1986 Ky. Acts ch. 128, sec. 2, effective July 15, 1986. -- Amended 1964 Ky. Acts ch. 154, sec. 1. -- Created 1948 Ky. Acts ch. 169, sec. 1.

### **319.015 Activities not included in practice of psychology.**

Nothing in this chapter shall be construed to limit:

- (1) The activities, services, and use of title on the part of a person in the employ of the federal government;
- (2) Persons from engaging in the teaching of psychology, the conduct of psychological research, the provision of consultation services to organizations or institutions, or the provision of expert testimony, provided that such activities do not involve the delivery or supervision of direct psychological services to individuals or groups;
- (3) Persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes from rendering services consistent with the laws regulating their professional practice and the ethics of their profession. The use of written or computerized interpretations of any psychological testing or the administration and use of symptomatic and behavioral assessments by a practitioner of the healing arts as defined in KRS 311.271(2), clinical social worker, marriage and family therapist, professional art therapist, advanced practice registered nurse, physician, physical therapist, or occupational therapist who uses these interpretations or administers and uses these assessments shall not be limited. They shall not represent themselves to be psychologists or use the term "psychological" in describing their services;
- (4) The activities of a student, intern, or resident in psychology, pursuing a course of study approved by the department of psychology of an educational institution rated acceptable by the board for qualifying training and experience, provided such activities are recognized by transcript as a part of his or her supervised course of study;
- (5) The recognized educational activities of teachers in accredited public and private schools, the authorized duties of guidance counselors who are certified by the Education Professional Standards Board, or the activities of persons using psychological techniques in business and industrial organizations for employment placement, promotion, or job adjustment of their own officers and employees;
- (6) Persons who are credentialed as school psychologists by the Education Professional Standards Board from using the title "school psychologist" and practicing psychology as defined in KRS 319.010, if their practice is restricted to regular employment within a setting under the purview of the Education Professional Standards Board. These individuals shall be employees of the educational institution and not independent contractors providing psychological services to educational institutions;
- (7) A duly ordained minister, priest, rabbi, Christian Science practitioner, or other clergyman from carrying out his or her responsibilities while functioning in a ministerial capacity within a recognized religious organization serving the spiritual needs of its constituency, if he or she does not hold himself or herself out as a psychologist; or
- (8) Any nonresident temporarily employed in this state from rendering psychological services for not more than thirty (30) days every two (2) years, if he or she holds a valid current license or certificate as a psychologist in his or her home state or

country and registers with the board prior to commencing practice in the Commonwealth or if he or she holds a valid current IPC.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 2, effective July 15, 2010. -- Amended 2002 Ky. Acts ch. 79, sec. 10, effective July 15, 2002. -- Amended 2001 Ky. Acts ch. 80, sec. 3, effective June 21, 2001. -- Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 104, sec. 2, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 128, sec. 3, effective July 15, 1986. -- Created 1964 Ky. Acts ch. 154, sec. 15.

**Legislative Research Commission Note (7/15/2010).** 2010 Ky. Acts ch. 85, sec. 52, changed the designation of "advanced registered nurse practitioner" to "advanced practice registered nurse" in KRS 314A.011, the definitions section for KRS Chapter 314A relating to nursing. A change has been made in the text of this statute to conform.

### **319.020 Board of Examiners of Psychology.**

- (1) The board shall consist of nine (9) members appointed by the Governor. Six (6) members shall be licensed psychologists. Two (2) members shall be credentialed by the board as certified psychologists, licensed psychological practitioners, or licensed psychological associates. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.
- (2) Licensed psychologist members shall be appointed by the Governor from a group consisting of the three (3) nominees receiving the most votes for each position to be filled, the nominees to be selected by all licensed psychologists credentialed under this chapter from a list of eligible candidates prepared by the Kentucky Psychological Association. Candidates shall be solicited from all licensed psychologists credentialed according to the provisions of this chapter and each nominee shall be a licensed psychologist credentialed according to the provisions of this chapter. Each licensed psychologist member shall be a resident of this state and shall have engaged in the practice or teaching of psychology as a licensed psychologist for at least three (3) years in this state.
- (3) Certified psychologist, licensed psychological practitioner, or licensed psychological associate members shall be appointed by the Governor from a group consisting of the three (3) nominees receiving the most votes for each position to be filled, the nominees to be selected by all certified psychologists, licensed psychological practitioners, and licensed psychological associates credentialed under this chapter from a list of eligible candidates prepared by the Kentucky Psychological Association. Candidates shall be solicited from all certified psychologists, licensed psychological practitioners, and licensed psychological associates credentialed according to the provisions of this chapter. Each nominee shall be a resident of this state, licensed according to the provisions of this chapter, and shall have engaged in the practice or teaching of psychology as a certified psychologist, licensed psychological practitioner, or licensed psychological associate for at least three (3) years in this state.
- (4) The term of each board member shall be four (4) years and until a successor is appointed and qualified. No member shall serve more than two (2) consecutive full terms. The Governor shall fill any vacancy occurring in the board in the manner prescribed in subsection (2) of this section. Upon recommendation by a majority of the board members and after notice and a hearing, the Governor shall remove any member for incompetence, neglect of duty, or malfeasance in office.
- (5) Five (5) members of the board shall constitute a quorum. Each member shall receive one hundred dollars (\$100) per day for attending each meeting and shall receive his necessary expenses incurred in the performance of the duties required by this chapter. Annually the board shall elect one (1) of its licensed members as chairperson for a term of one (1) year. No person shall serve more than two (2) consecutive full terms as chairperson. The board shall meet at least twice annually and at other times as it determines necessary. Special meetings may be called by the chairperson and shall be called upon the written request of two (2) members.

**Effective:** June 21, 2001

### **319.030 Annual report of board -- Principal office -- Register.**

- (1) On June 30 of each year the board shall submit to the Governor a written report including the names of all persons to whom licenses have been granted as provided in this chapter and any cases heard and decisions rendered.
- (2) The board may locate its principal office, meet, or conduct any of its business at any place in this state.
- (3) The board shall keep a record of its proceedings and a register of licensed and certified psychologists, licensed psychological practitioners, and licensed psychological associates. The books and records of the board shall be prima facie evidence of the matters therein contained.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 5, effective June 21, 2001. -- Amended 1988 Ky. Acts ch. 291, sec. 2, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 128, sec. 5, effective July 15, 1986. -- Amended 1964 Ky. Acts ch. 154, sec. 3. -- Created 1948 Ky. Acts ch. 169, sec. 3.

### **319.032 Authority for administrative regulations.**

- (1) The board shall promulgate administrative regulations:
  - (a) Establishing requirements, standards, and tests to determine the moral, intellectual, educational, scientific, technical, and professional qualifications of applicants for licensure; and preparing or selecting and administering examinations on general psychological knowledge. Neither certified psychologists, licensed psychological practitioners, nor licensed psychological associates may participate in the examination of applicants for licensure as licensed psychologists;
  - (b) Establishing and defining the scope of practice within the field of psychology;
  - (c) Setting the requirements for issuing, denying, suspending, restricting, and revoking licenses, and placing credential holders on probation;
  - (d) Developing specific guidelines to follow upon receipt of an allegation of sexual misconduct by a person credentialed by the board. The guidelines shall include investigation, hearing officer, and hearing procedures which ensure that the process does not revictimize the alleged victim or cause harm if a credential holder is falsely accused;
  - (e) Requiring training for the board and investigators hired by the board on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedure in sex offense cases, and effective intervention with victims and offenders;
  - (f) Establishing requirements for continuing education not to exceed thirty-nine (39) contact hours per three (3) year renewal period as a condition for renewal of licenses, the increased requirement to be a condition for renewal of licenses beginning with renewals occurring after June 30, 2013;
  - (g) Establishing and collecting reasonable fees for directories, transcribing, transferring of records, and other services;
  - (h) Conducting hearings or appointing hearing officers to conduct hearings on any matter under the jurisdiction of the board, in accordance with KRS Chapter 13B;
  - (i) Entering into reciprocal agreements with boards of examiners of psychology of other states having qualifications and standards at least as high as those of this state providing for reciprocal licensure;



- (j) Employing personnel, including hearing officers which it considers necessary for the performance of its functions, determining the duties of personnel, and compensating them within the limits of funds available to the board;
  - (k) Investigating complaints or suspected violations of this chapter and notifying proper law enforcement authorities. For the purpose of enforcing the provisions of this chapter, the board shall have the authority to administer oaths, receive evidence, interview persons, issue subpoenas, and require the productions of books, papers, documents, or other evidence;
  - (l) Governing the supervision of certified psychologists and the supervision and employment of licensed psychological associates and candidates for licensure;
  - (m) Developing specific guidelines to allow school psychologists who are dually credentialed by the Education Professional Standards Board and the board to obtain supervision acceptable to the board from a licensed psychologist who is neither an employee nor contractor of the school system that employs the school psychologist being supervised; and
  - (n) Notwithstanding the fee schedules specified in this chapter, increasing or decreasing fees as it deems appropriate.
- (2) The board shall have the authority to promulgate other administrative regulations as it deems necessary for the proper administration of this chapter.
  - (3) The board, at its discretion, may use funds as necessary to purchase liability insurance for members and executive officers of the board, inspectors, examiners, investigators, and staff members exempt from classified service of the state by KRS 18A.115.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 3, effective July 15, 2010. -- Amended 2001 Ky. Acts ch. 80, sec. 6, effective June 21, 2001. -- Amended 1996 Ky. Acts ch. 318, sec. 275, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 8, effective July 15, 1994; and ch. 470, sec. 8, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 104, sec. 4, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 3, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 128, sec. 6, effective July 15, 1986.

**Legislative Research Commission Note** (7/15/2010). 2010 Ky. Acts ch. 50, sec. 3, subsec. (1)(f), replaced "thirty (30) contact hours" with "thirty-nine (39) contact hours," and inserted the clause that provides, "the increased requirement to be a condition for renewal of licenses beginning with renewals occurring after June 30, 2013."

**Legislative Research Commission Note** (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

**Legislative Research Commission Note** (11/19/91, amended 7/15/94). Pursuant to KRS 7.136(1), the Reviser of Statutes has replaced the word "suspended" in subsection (9) of this statute (1986 Acts ch. 128, sec. 6) with "suspected" to correct a manifest clerical or typographical error. (1992 Acts ch. 104, sec. 4 renumbered the former subsection (9) of this statute as subsection (1)(i); 1994 Acts ch. 470, sec. 8 renumbered subsection (1)(i) as subsection (1)(k).)

**History:** Amended 2001 Ky. Acts ch. 80, sec. 4, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 3, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 1, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 128, sec. 4, effective July 15, 1986. -- Amended 1978 Ky. Acts ch. 154, sec. 33, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 206, sec. 13. -- Amended 1964 Ky. Acts ch. 154, sec. 2. -- Created 1948 Ky. Acts ch. 169, sec. 2.

**319.050 Examination for license -- Fee -- Supervision and temporary licensure -- Designation as "health service provider."**

- (1) Before granting a license to practice psychology and to use the title "licensed psychologist" the board shall require the applicant to pass an examination in psychology and to fulfill all requirements for supervised experience.
- (2) The applicant shall:
  - (a) Pay a fee not to exceed three hundred dollars (\$300);
  - (b) Have received a doctoral degree in psychology that is acceptable to the board from a regionally accredited educational institution; provided, however, the board may grant a license to an individual otherwise qualified under this chapter who has received a doctoral degree in psychology that is acceptable to the board from an educational institution outside the United States, if the educational institution would otherwise be accredited by a regional accrediting body if located in the United States;
  - (c) Have passed the national EPPP examination at the doctoral level; and
  - (d) Have had at least two (2) years of supervised professional experience satisfactory to the board, one (1) year of which shall be an internship.
- (3) Upon acceptance of the application to sit for the examination in psychology, the applicant may practice psychology under the supervision of a licensed psychologist under conditions of supervision and temporary licensure established by the board. The board shall establish a grace period not to exceed sixty (60) days to allow for the employment and supervision of the applicant by an agency from the time the applicant's degree requirements are completed to the submission of the complete application. During this period of supervision, the applicant for licensure may not supervise certified psychologists, licensed psychological associates, other applicants for licensure, or temporarily licensed persons, nor shall he engage in an independent practice, except under the employment of his supervising psychologist. Upon certification to the board of completion of the two (2) years of supervision satisfactory to the board, the applicant shall be examined on psychological practice, ethical principles, and the law.
- (4) The board shall grade and keep the examinations and results on file for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examination.
- (5) Upon successful completion of the examination process, the board shall issue a license to practice psychology and the applicant may use the title "licensed psychologist."
- (6) Licensed psychologists may function independently without supervision. Licensed psychologists who have the designation "health service provider" may retain that designation and may employ and supervise certified psychologists and licensed psychological associates. Licensed psychologists who have the designation "health service provider" may supervise no more than a total of six (6) certified psychologists, licensed psychological associates, or applicants for licensure at one (1) time.
- (7)
  - (a) From July 15, 2010, until July 1, 2013, the designation "health service provider" shall be made on the license of those licensed psychologists who have completed one (1) year of supervised experience under conditions of temporary licensure approved by the board or who have completed one (1) year of supervised experience acceptable to the board after achieving licensure status as a licensed psychologist.

- (b) Beginning July 1, 2013, the designation "health service provider" shall be made on the license of those licensed psychologists who have completed one (1) additional year of supervised experience satisfactory to the board in health care service delivery. This year of supervised experience shall be in addition to the supervised experience requirement for licensure as a licensed psychologist. Health service providers may provide supervision of direct health care services by applicants for licensure, certified psychologists, and licensed psychological associates. Health service providers may supervise no more than a total of six (6) certified psychologists, licensed psychological associates, or applicants for licensure at one (1) time.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 4, effective July 15, 2010. -- Amended 2001 Ky. Acts ch. 80, sec. 7, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 5, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 4, effective July 15, 1988. -- Amended 1986 Ky. Acts ch. 128, sec. 7, effective July 15, 1986. -- Amended 1970 Ky. Acts ch. 120, sec. 11; and ch. 290, sec. 1. -- Amended 1964 Ky. Acts ch. 154, sec. 5. -- Created 1948 Ky. Acts ch. 169, sec. 5.

### **319.053 "Licensed psychological practitioner."**

- (1) A person holding a credential as a certified psychologist or as a licensed psychological associate may apply for a license to perform certain functions within the practice of psychology without supervision and to use the title of "licensed psychological practitioner" when all of the following conditions are met:
- (a) Submission of three (3) letters of endorsement to the board to sit for the examination;
    - 1. One (1) of the letters shall be from the applicant's current board-approved supervisor of record and shall include a statement describing the scope of practice demonstrated in the clinical experience of the applicant; and
    - 2. Two (2) letters shall be from licensed mental health professionals who are acceptable to the board and who are familiar with the clinical work of the applicant;
  - (b) Payment of a fee not to exceed two hundred dollars (\$200);
  - (c) Documentation of at least sixty (60) semester hours of graduate study in psychology or a related field or its equivalent acceptable to the board; and
  - (d) Completion, after credentialing by the board as a certified psychologist, psychological associate, or licensed psychological associate, of the equivalent of five (5) full-time years of professional experience under the supervision of a board-approved licensed psychologist.
- (2) An applicant for licensure under this section shall not have been subject to disciplinary action by the board. An applicant who has been the subject of disciplinary action may appeal to the board for an exception.
- (3) An applicant for licensure under this section shall be required by the board to pass the national objective examination known as the EPPP, with a score equal to or exceeding the score required for passage for a licensed psychologist candidate at the doctoral level at the time the examination is taken. The board shall accept the applicant's previous examination results for the objective EPPP examination if the original test score satisfied the licensure requirement at the doctoral level in effect at the time of that test administration. If the applicant's previous score does not meet this criterion, the applicant may retake the examination until the score obtained equals or exceeds the score required for independent practice at the doctoral level at the time the examination is taken.

- (4) The board shall require an applicant for licensure under this section to pass an examination on psychological practice, ethical principles, and the law. The examination shall be conducted in accordance with procedures established in administrative regulations promulgated by the board in accordance with KRS Chapter 13A. The examination shall be evaluated using the same criteria as the examination for licensed psychologist candidates.
- (5) The applicant may continue to function under the supervision of a board-approved licensed psychologist until the applicant successfully completes the requirements for licensure as a licensed psychological practitioner.
- (6) The board shall grade and keep the examinations and results on file for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examinations.
- (7) Upon successful completion of all requirements, the board shall issue to the applicant a license to perform certain functions within the practice of psychology without supervision and to use the title "licensed psychological practitioner."
- (8) The licensee under this section shall not supervise certified psychologists, licensed psychological practitioners, or licensed psychological associates.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 50, sec. 5, effective July 15, 2010. -- Created 2001 Ky. Acts ch. 80, sec. 8, effective June 21, 2001.

**319.056 "Certified psychologist with autonomous functioning" -- "Certified psychologist" -- Practice and title authorization.**

- (1) A person currently authorized to use the title "certified psychologist with autonomous functioning" may continue to function with that title or may choose to permanently change this title to "licensed psychological practitioner" and notify the board of this choice. The board shall issue a license at the time of renewal to the credential holder with the title of choice.
- (2) A certified psychologist with autonomous functioning or a licensed psychological practitioner may continue to function without supervision unless the board revokes his or her license pursuant to KRS 319.082. He or she shall not supervise certified psychologists, licensed psychological practitioners, or licensed psychological associates.
- (3) A person currently authorized to use the title "certified psychologist" may continue to function with that title or may choose to permanently change this title to "licensed psychological associate" and notify the board of this choice. The board shall issue a license at the time of renewal to the credential holder with the title of choice.
- (4) A certified psychologist or a licensed psychological associate may continue to function under the supervision of a licensed psychologist unless the board revokes his certificate pursuant to KRS 319.082.
- (5) A certified psychologist, whether functioning under that title or as a licensed psychological associate, may perform certain functions within the practice of psychology only under the supervision of a licensed psychologist approved by the board, and shall not employ or supervise other certified psychologists, licensed psychological practitioners, or licensed psychological associates.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 9, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 6, effective July 14, 1992. -- Created 1986 Ky. Acts ch. 128, sec. 8, effective July 15, 1986.

### **319.064 Psychological associate.**

- (1) An individual credentialed as a psychological associate shall use the title "licensed psychological associate" and the board shall issue a license with that title at the time of renewal.
- (2) For an individual with a master's degree in psychology, the board shall issue a license to perform certain functions within the practice of psychology and to use the title "licensed psychological associate" to any applicant who:
  - (a) Pays a fee not to exceed three hundred dollars (\$300);
  - (b) Has received a master's degree in psychology acceptable to the board from a regionally accredited educational institution or from an educational institution outside the United States, if such educational institution would otherwise be accredited by a regional accrediting body if located in the United States; and
  - (c) Has passed an examination procedure in psychology.
- (3) Upon acceptance of the application to sit for the examination in psychology, the applicant may practice psychology under the supervision of a licensed psychologist under conditions of temporary licensure established by the board. The board shall establish a grace period not to exceed sixty (60) days to allow for the employment and supervision of the applicant by an agency from the time the applicant's degree requirements are completed to the submission of the complete application.
- (4) The board shall grade and keep the examinations and results for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examination.
- (5) Any psychological associate licensed pursuant to this section may perform certain functions within the practice of psychology only under the supervision of a licensed psychologist approved by the board. The licensed psychological associate shall not practice independently, except under the employment and supervision of the board-approved licensed psychologist. A licensed psychological associate shall not represent himself or herself as a licensed or certified psychologist or as a licensed psychological practitioner. A licensed psychological associate shall not employ or supervise certified psychologists, licensed psychological practitioners, or licensed psychological associates.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 10, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 7, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 7, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 128, sec. 11, effective July 15, 1986.

### **319.071 Renewal of licenses and certification -- Fee -- Cancellation -- Restoration -- Inactive status.**

- (1) Licenses must be renewed every three (3) years on or before the anniversary date of issue or renewal. Credential holders shall pay to the board a renewal fee not to exceed one hundred dollars (\$100) and shall receive a renewal license. The board shall cancel a license not renewed within three (3) months of the renewal date, but the board may reinstate any canceled license upon payment of the renewal fee and a penalty not to exceed the amount of the renewal fee within three (3) years after cancellation. A credential holder whose license has been canceled shall not practice psychology until the license has been restored.
- (2) Any credential holder who has failed to renew his or her license or has been inactive for three (3) or more years may renew his or her license only upon passing an examination procedure and paying the renewal and penalty fees.
- (3) Upon petition to the board, credential holders may be granted inactive status for a period of time not to exceed three (3) consecutive years. Credential holders shall not practice psychology while

under inactive status and certified psychologists and licensed psychological associates need not be supervised by a licensed psychologist. Inactive credential holders may apply for active licenses as provided for by regulation of the board.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 11, effective June 21, 2001. -- Amended 1986 Ky. Acts ch. 128, sec. 12, effective July 15, 1986. -- Amended 1970 Ky. Acts ch. 290, sec. 2. -- Created 1964 Ky. Acts ch. 154, sec. 9.

### **319.082 Disciplinary actions against license and certificate holders.**

- (1) The board may suspend, revoke, or refuse to issue or renew a license; may accept an assurance of voluntary compliance; restrict, or place a credential holder on probation; or issue an administrative reprimand or private admonishment upon proof that the credential holder has:
  - (a) Committed any act involving moral turpitude, dishonesty, or corruption, relating to the practice of psychology, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction of such a crime, the judgment and sentence is presumptive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purpose of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended;
  - (b) Misrepresented or concealed a material fact in obtaining a license, or in reinstatement thereof;
  - (c) Committed any unfair, false, misleading, or deceptive act or practice;
  - (d) Been incompetent or negligent in the practice of psychology;
  - (e) Practiced psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction;
  - (f) Violated any state statute or administrative regulation governing the practice of psychology;
  - (g) Unlawfully failed to cooperate with the board by:
    1. Not furnishing any papers or documents requested by the board;
    2. Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the board;
    3. Not appearing before the board at the time and place designated; or
    4. Not properly responding to subpoenas issued by the board;
  - (h) Failed to comply with an order issued by the board or an assurance of voluntary compliance;
  - (i) Aided or abetted an unlicensed person to practice when a license or certificate is required;
  - (j) Grossly overcharged for professional services;
  - (k) Practiced beyond the scope demonstrated by an appropriate combination of knowledge, skill, experience, training, and education;
  - (l) Failed to provide adequate supervision for certified psychologists, licensed psychological associates, applicants for licensure, or other staff;
  - (m) Been convicted of any misdemeanor or felony relating to the practice of psychology. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended;

- (n) Physically abused or had sexual contact with a patient, client, student, or supervisee;
  - (o) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a client, patient, or student, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or been found by the board to have had sexual contact as defined in KRS 510.010 with a client, patient, student, or supervisee;
  - (p) Improperly divulged confidential information;
  - (q) Exercised undue influence in such a manner as to exploit the client, patient, student, or supervisee for financial or other personal advantage to the practitioner or a third party;
  - (r) Showed an inability to practice psychology with reasonable skill and safety to patients or clients by reason of illness, misuse of drugs, narcotics, alcohol, chemicals, or any other substance, or as a result of any mental or physical condition; or
  - (s) Failed to comply with the requirements of the board for continuing education.
- (2) Private admonishment shall not be subject to disclosure to the public under KRS 61.878(1)(l) and shall not constitute disciplinary action, but may be used by the board for statistical purposes or in subsequent disciplinary action against the credential holder or applicant.
  - (3) No unlawful act or violation of any provision of this chapter by any credential holder employed or supervised by a licensed psychologist shall be cause for the revocation of the supervisor's license, unless the board finds that the licensed psychologist had knowledge of it.
  - (4) Three (3) years from the date of a revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate his or her petition and may reinstate his or her license upon finding that the former licensee has complied with the provisions of this chapter and administrative regulations promulgated by the board and is again able to engage in the practice of psychology with reasonable skill, competency, and safety to the public.
  - (5) The board may, at its own discretion, reconsider, modify, or reverse its probations, suspensions, revocations, restrictions, or refusals to issue or renew licenses at any time.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 182, sec. 61, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 45, sec. 8, effective June 20, 2005; and ch. 93, sec. 5, effective March 16, 2005. -- Amended 2001 Ky. Acts ch. 80, sec. 12, effective June 21, 2001. -- Amended 1994 Ky. Acts ch. 265, sec. 9, effective July 15, 1994; and ch. 470, sec. 9, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 104, sec. 8, effective

### **319.092 Administrative hearing -- Sanctions -- Appeal.**

- (1) In every proceeding for probation, suspension, or revocation of a license, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The board or a hearing officer appointed by the board shall conduct the hearing.
- (2) All decisions revoking or suspending a license or placing a credential holder on probation shall be made by the board.
- (3) If, after a hearing, a majority of the board finds that a credential holder has violated any provision of this chapter, the board may:
  - (a) Revoke or suspend the license;
  - (b) Impose a monetary penalty not to exceed two thousand dollars (\$2,000) per violation;
  - (c) Revoke or suspend the license or impose a monetary penalty, but suspend enforcement thereof by placing the credential holder on probation, which shall be revocable if the board finds the conditions of the probation order are not being followed by the credential holder;
  - (d) Require the credential holder, as a condition of probation, to submit to care, counseling, or treatment by a professional designated by the board, or require the credential holder to

- be supervised by a licensed psychologist designated by the board. The expense of this action shall be borne by the credential holder on probation;
- (e) Modify the conditions of the probation, with good cause, and may include among them any reasonable condition for the purpose of the protection of the public, or for the purpose of the rehabilitation of the probationer, or both;
  - (f) Require restitution; and
  - (g) Assess the costs of the disciplinary proceeding.
- (4) If the board substantiates that sexual contact occurred between a credential holder and a patient while the patient was under the care or in a professional relationship with the credential holder, the credential holder's license may be revoked or suspended with mandatory treatment of that individual as prescribed by the board. The board may require the credential holder to pay a specified amount for mental health services for the patient which are needed as a result of the sexual contact.
  - (5) Final orders of the board suspending or revoking a license or placing a credential holder on probation shall become effective immediately after written notice is served on the credential holder and the credential holder shall not, after notice of same, engage or continue to engage in the practice of psychology unless the board's final order is revoked or modified by the court after judicial review.
  - (6) The board shall make public its final order in all disciplinary actions.
  - (7) Any person aggrieved by a final order of the board may appeal to the Franklin Circuit Court in accordance with KRS Chapter 13B.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 13, effective June 21, 2001. -- Amended 1996 Ky. Acts ch. 318, sec. 277, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 265, sec. 10, effective July 15, 1994; and ch. 470, sec. 10, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 104, sec. 9, effective July 14, 1992. -- Created 1986 Ky. Acts ch. 128, sec. 14, effective July 15, 1986.

**Legislative Research Commission Note (7/15/94).** This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

**319.118 Immunity of board members from liability -- Standing to institute and maintain legal actions -- Effect of surrender of license or certificate -- Representation of board by public officers.**

- (1) Members of the board, its agents, and employees shall be immune from personal liability in any action, civil or criminal, which is based upon any official act or acts performed by them in good faith.
- (2) Notwithstanding the existence or pursuit of any other remedy, civil or criminal, the board may institute and maintain actions to restrain or enjoin any violation of this chapter, rules and administrative regulations, or order of the board.
- (3) The surrender of a license shall not serve to deprive the board of jurisdiction to proceed with disciplinary actions pursuant to this chapter.
- (4) The city, county, Commonwealth's attorney, and the Attorney General shall, within their respective jurisdictions and within their legal discretion, represent the board, its agents, and employees, in the enforcement of the provisions of this chapter and the rules and administrative regulations of the board.



**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 14, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 10, effective July 14, 1992. -- Created 1986 Ky. Acts ch. 128, sec. 16, effective July 15, 1986.

### **319.131 Fees credited to fund for board use.**

All fees received by the board of examiners under this chapter shall be placed in the State Treasury to the credit of a trust and agency fund for the use of the board in carrying out its functions.

**History:** Created 1964 Ky. Acts ch. 154, sec. 16. July 14, 1992. -- Amended 1988 Ky. Acts ch. 291, sec. 8, effective July 15, 1988. -- Created 1986 Ky. Acts ch. 128, sec. 13, effective July 15, 1986.

**Legislative Research Commission Note** (6/20/2005). Although KRS 319.082 was included in 2005 Ky. Acts ch. 45, sec. 8, and ch. 93, sec. 5, as having been amended, the amendment relettering paragraphs of this section in those acts became unnecessary when the Office of the Kentucky Attorney General requested that other changes be made to the rearrangement of the paragraphs of KRS 61.878, which was also amended in 2005 Ky. Acts chs. 45 and 93. The Statute Reviser made these changes under the authority of KRS 7.136.

**Legislative Research Commission Note** (7/15/94). This statute was amended by 1994 Ky. Acts chs. 265 and 470, which were companion bills and are substantively identical. These Acts have been codified together. For the few minor variations between the Acts, Acts ch. 470 prevails under KRS 446.250, as the Act which passed the General Assembly last.

### **319.140 Duty of treating psychologist utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations -- Definition of "telehealth".**

(1) A treating psychologist or psychological associate who provides or facilitates the use of telehealth shall ensure:

(a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and

(b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.

(2) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:

(a) Prevent abuse and fraud through the use of telehealth services;

(b) Prevent fee-splitting through the use of telehealth services; and

(c) Utilize telehealth in the provision of psychological services and in the provision of continuing education.

(3) For purposes of this section, "telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.

**Effective:** July 14, 2000

**History:** Created 2000 Ky. Acts ch. 376, sec. 16, effective July 14, 2000.

### **319.990 Penalties.**

(1) Any person who violates KRS 319.005 shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment for not more than six (6) months, or by a fine of not more than five hundred dollars (\$500), or by both fine and imprisonment, and each violation shall be deemed a separate offense.

(2) Either the Attorney General or the appropriate Commonwealth's or county attorney shall have the authority to prosecute violations of KRS 319.005.

(3) The board may recover the costs of investigative expenses including reasonable attorney fees relating to the prosecution of those found guilty of violating KRS 319.005.

**Effective:** June 21, 2001

**History:** Amended 2001 Ky. Acts ch. 80, sec. 15, effective June 21, 2001. -- Amended 1992 Ky. Acts ch. 104, sec. 11, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 128, sec. 17, effective July 15, 1986. -- Amended 1964 Ky. Acts ch. 154, sec. 17. -- Created 1948 Ky. Acts ch. 169, sec. 13.

# KENTUCKY ADMINISTRATIVE REGULATIONS

## **201 KAR 26:115. Definition of psychological testing.**

RELATES TO: KRS 319.010

STATUTORY AUTHORITY: KRS 319.032(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(b) requires the Board of Examiners of Psychology to promulgate administrative regulations to establish and define the scope of practice within the field of psychology. This administrative regulation establishes parameters of psychological testing.

Section 1. Definition. "Psychological testing" means the use of one (1) or more standardized measurement instruments, devices, or procedures including the use of computerized psychological tests, to observe or record human behavior, and which require the application of appropriate normative data for interpretation or classification and includes the use of standardized instruments for the purpose of the diagnosis and treatment of mental and emotional disorders and disabilities, the evaluation or assessment of cognitive and intellectual abilities, personality and emotional states and traits, and neuropsychological functioning.

Section 2. Psychological Tests. Psychological tests may include:

- (1) Individual tests for the evaluation of cognitive and intellectual abilities, examples of which are:
  - (a) The Wechsler series;
  - (b) The Stanford-Binet; and
  - (c) The Kaufman Assessment Battery for Children;
- (2) Individual, objective, and projective tests of personality and emotional states and traits, examples of which are:
  - (a) The Minnesota Multiphasic Personality Inventory; and
  - (b) The Millon Clinical Multiaxial Inventory;
  - (c) The Millon Adolescent Clinical Inventory; and
  - (d) Projective techniques including:
    1. The Rorschach Ink Blots;
    2. Thematic Apperception Test; and
    3. The Holtzman Ink Blots; and
- (3) Individual tests of neuropsychological functioning, examples of which are:
  - (a) The Halstead-Reitan Battery;
  - (b) The Luria-Nebraska Battery;
  - (c) The "Lezak or Kaplan Battery"; and
  - (d) The NEPSY.

Section 3. Services that are described as "psychological testing" shall only be administered and interpreted by persons credentialed by this board or who meet the formal academic training and experience qualifications described above and who are otherwise exempt by statute.

- (1) Persons credentialed by this board, as well as other licensed or certified professionals, may also With the exception of the test categories and psychological tests listed in Section 2 of this administrative regulation, the use of these other tests is not exclusively within the scope of this administrative regulation.
- (2) Members of other professions shall not train or supervise any person in performing psychological testing.

- (3) The practice of psychology shall be construed within the meaning of the definition contained in KRS 319.010(7) without regard to if payment is received for services rendered.
- (4) Services that are described as "psychological testing and treatment" shall be administered to minor children only upon the notification of and the granting of written permission by the parent or legal guardian, unless otherwise required by the courts subject to specific state or federal law. (20 Ky.R. 671; Am. 931; eff. 10-21-93; 28 Ky.R. 1455; 1799; eff. 2-7-2002; 37 Ky.R. 1511; 1976; eff. 3-4-2011.)

**201 KAR 26:121. Scope of practice and dual credentialing.**

RELATES TO: KRS 319.032(1)(b), 319.050(7)

STATUTORY AUTHORITY: KRS 319.032(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(b) requires the board to promulgate administrative regulations establishing and defining scope of practice within the field of psychology. This administrative regulation establishes the required scope of practice for licensed psychologists who hold the health service provider designation, licensed psychologists, certified psychologists, certified psychologists with autonomous functioning, licensed psychological associates, and licensed psychological practitioners. It also provides guidance about scope of practice for credential holders of this board who also hold mental health credentials from another regulatory board.

Section 1. A credential holder shall not practice or present himself or herself outside the area or areas of competency specified in the application for a credential and approved by the board based upon examination and review of qualifications, training, and experience, unless the credential holder has obtained additional education, training, experience, or supervision appropriate to the new practice area.

Section 2. Scope of Practice.

- (1) A licensed psychologist who holds the health service provider designation, a licensed psychologist, a certified psychologist with autonomous functioning, a certified psychologist, a licensed psychologist associate, or a licensed psychological practitioner may:
  - (a) Work in various health care service delivery settings; and
  - (b) Provide one (1) or more of the following direct or supportive services:
    - 1. Diagnosis of an emotional, mental, or nervous disorder, including substance abuse or an adjustment problem of an individual or group through the use of psychological testing or other technique;
    - 2. Evaluation or assessment of the functioning of an individual, group, or organization;
    - 3. Treatment and amelioration of an emotional, mental, or nervous disorder, substance abuse, or an adjustment problem of an individual or group;
    - 4. Intervention or a preventive technique that facilitates the functioning of an individual, group, or organization;
    - 5. Consultation services;
    - 6. Program planning or development services;
    - 7. Evaluation of a psychological or human service program; or
    - 8. Supervision of health service delivery as described in 201 KAR 26:171.
- (2) All credential holders from this board shall restrict their practice to the delivery of specific services for which they are competent based on professional education, training, and experience.

Section 3. Dual Credentialing.

- (1) An individual who holds both a credential to practice psychology from this board and a mental health credential from another regulatory board authorized by Kentucky statute shall:

- (a) Maintain separate and distinct practices in relation to each credential;
  - (b) Inform the recipient of a particular service under which credential the provider is practicing;
  - (c) Demonstrate that representations about the practice, including letterhead, signs, invoices, and advertisements, and the activities of the practice, are designed to maintain those distinctions; and
  - (d) Not deliver psychological services as defined by KRS 319.010 under the auspices of another credential, recognizing that some activities are exempted by KRS 319.015.
- (2) Psychological testing, as defined by 201 KAR 26:115, shall not be delivered under a credential other than that issued by the Board of Examiners of Psychology. (15 Ky.R. 1727; Am. 2010; eff. 3-10-89; 20 Ky.R. 577; 931; eff. 10-21-93; 25 Ky.R. 403; 820; eff. 9-16-98; 28 Ky.R. 1456; 1800; eff. 2-7-2002; 37 Ky.R. 1513; eff. 3-4-2011.)

**201 KAR 26:125. Health service provider designation.**

RELATES TO: KRS 319.050(7)

STATUTORY AUTHORITY: KRS 319.032(2), 319.050(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.050(7) requires that the designation of "health service provider" shall be granted for a licensed psychologist who supervises a psychological health care service. This administrative regulation establishes the requirements for the granting of that designation.

Section 1. The designation "health service provider" shall refer to a licensed psychologist defined in KRS 319.050(7) who is authorized to supervise a certified psychologist, temporarily licensed psychologist, licensed psychological associate, student, intern, or resident pursuing a course of graduate study in psychology in delivering psychological health care services.

Section 2. Psychological health care services shall include delivery of diagnosis, assessment, psychotherapy, treatment, or other therapeutic services to individuals, couples, families, or groups whose growth, adjustment, or functioning is impaired or who otherwise seek psychological health care services.

Section 3. A health service provider shall be a licensed psychologist who has completed appropriate training and supervised experience in psychological health service delivery at the doctoral level. The training and experience may occur in a variety of psychological health care delivery sites and:

- (1) Shall include, in addition to the supervised experience required for licensure as a licensed psychologist, 1,800 hours of supervised experience within one (1) or more health care settings in which the provider delivered direct psychological health care services, pursuant to Section 2 of this administrative regulation; or
- (2) The licensed psychologist holds the Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB) or a successor organization, or is board-certified by the American Board of Professional Psychology (ABPP) or a successor organization, or the licensed psychologist holds a Certificate from the National Register of Health Service Providers in Psychology or a successor organization and has a minimum equivalent of five (5) years of full time practice at the independent practice level and has had no disciplinary action taken by a licensure board or on record in the ASPPB data base.

Section 4. A licensed psychologist who does not have the designation "health service provider" shall not supervise psychological health care services.

Section 5. In addition to completion of a doctoral training program in an area of psychological health service delivery, a candidate for health service provider designation shall complete all supervised experience requirements in a health care setting as established in this administrative regulation, consistent with the requirements of 201 KAR 26:190. (20 Ky.R. 672; Am. 933; eff. 10-21-93; 25 Ky.R. 406; 823; eff. 9-16-98; 28 Ky.R. 1458; 1802; eff. 2-7-2002; 37 Ky.R. 1514; 1977; eff. 3-4-2011.)

**201 KAR 26:130. Complaint procedure.**

RELATES TO: KRS 319.005, 319.082, 319.118, 319.990

STATUTORY AUTHORITY: KRS 319.032

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.005 prohibits unlicensed persons from engaging in the practice of psychology or using the title of psychologist, licensed psychologist, certified psychologist, licensed psychological practitioner or licensed psychological associate. KRS 319.082 delineates the causes for which disciplinary action may be taken against a licensed holder. KRS 319.118 authorizes the board to institute and maintain actions to restrain or enjoin violations. KRS 319.990 sets forth the criminal penalty for violations and authorizes prosecution of violators. KRS 319.032 authorizes the board to develop guidelines for use in complaints involving alleged sexual misconduct by a licensed holder, and for training of investigators in these matters. This administrative regulation is established to protect and safeguard the health and safety of the citizens of Kentucky and to provide procedures for filing, evaluating, and disposing of complaints.

**Section 1. Definitions.**

- (1) "Act" means Chapter 319 of the Kentucky Revised Statutes.
- (2) "Board" is defined in KRS 319.010(2), and for purposes of this administrative regulation, shall also refer to a hearing panel.
- (3) "Charge" means a specific allegation contained in any document issued by the board or hearing panel alleging a violation of a specified provision of the KRS Chapter 319 or the administrative regulations promulgated thereunder.
- (4) "Formal complaint" means a formal administrative pleading authorized by the board that sets forth charges against a licensed holder or applicant and commences a formal disciplinary proceeding in accordance with KRS Chapter 13B.
- (5) "Initiating complaint" means any allegation alleging misconduct by a licensed holder or applicant or alleging that an unlicensed person is engaging in the practice of psychology or using the title of psychologist.
- (6) "Order" means the whole or any part of a final disposition of a hearing.
- (7) "Person" means any individual, partnership, corporation, association, or public or private organization of any character other than an agency.
- (8) "Presiding officer" means the person appointed by the board to preside at a hearing pursuant to KRS 319.032(1)(h), and shall include either a hearing officer or a member of the hearing panel.
- (9) "Respondent" means the person against whom an initiating or a formal complaint has been made.

**Section 2. Initiating Complaint.**

- (1) Source of initiating complaint. A complaint may be initiated by the board, by the public or by any governmental agency. A certified copy of a court record for a misdemeanor or felony conviction relating to the practice of psychology shall be considered a valid complaint.
- (2) Form of initiating complaint. Initiating complaints shall be in writing and shall clearly identify the person against whom the complaint is being made. Further, the complaint shall contain the date, and shall identify by signature the person making the complaint, and shall contain a clear and concise statement of the facts giving rise to the complaint.
- (3) Receipt of initiating complaint. A complaint may be received by any board member, credential holder designated by the board, by the Office of the Attorney General, or by any staff member.

- (4) Reply of respondent. A copy of the initiating complaint shall be mailed to the respondent. The respondent shall file with the board a written response to the initiating complaint within fifteen (15) days of the date on which the initiating complaint was mailed.
- (5) Consideration of initiating complaint. At the next regularly-scheduled meeting of the board or as soon thereafter as practicable, the board or a panel of the board shall review the initiating complaint and response. At that time, the board shall determine if an investigation is warranted, and if so, the board may appoint one (1) of its members or any agent or representative of the board to conduct an investigation of the complaint.
- (6)
  - (a) If there is reasonable cause to believe that a license holder or applicant for a license is physically or mentally incapable of practicing psychology with reasonable skill and safety to clients, the board may order the license holder or applicant to submit to an examination by a psychologist or a physician designated by the board to determine the license holder's or applicant's psychological or physical status to practice psychology.
  - (b) The expense of this examination shall be borne by the board.
  - (c) The board shall then consider the findings and conclusion of the examination and the final investigative report at its next regularly-scheduled meeting or soon thereafter.
- (7) Investigation.
  - (a) The person about whom the initiating complaint has been considered shall be contacted. With the consent of the respondent, a meeting may be scheduled at which time he or she may respond further to the allegations of the initiating complaint. The board and the respondent shall have the right to be represented at the meeting by legal counsel.
  - (b) Report of investigation. Upon the completion of the investigation, the person or persons making that investigation shall submit a written report to the board containing a succinct statement of the facts disclosed by the investigation.
  - (c) Consideration of complaint and investigative report. Based on consideration of the complaint, the investigative report, if any, and the psychological or physical examination, if any, the board shall determine if there has been a prima facie violation of the Act. If the investigator is a member of the board, he or she shall not vote. If it is determined that the facts alleged in the complaint or investigative report do not constitute a prima facie violation of the statute or administrative regulations, the board shall notify the person making the complaint and the respondent that no further action shall be taken at the present time. If it is determined that there is a prima facie violation of KRS 319.082 or administrative regulations, the board shall issue a formal complaint against the license holder or applicant. In the case of a prima facie violation of KRS 319.005, the board shall file suit to enjoin the violator or shall seek criminal prosecution pursuant to KRS 319.990.

Section 3. Formal Complaint. If the board determines that the initiating complaint shall be made a formal complaint, the following actions shall be initiated:

- (1) Issuance of formal complaint. The board shall provide the respondent with a written formal complaint which shall set forth:
  - (a) Each offense charged;
  - (b) Notice of the respondent's right to be represented by counsel;
  - (c) Notice of the respondent's right to subpoena witnesses in the respondent's behalf; and
  - (d) Notice of the respondent's right to appeal after an adverse adjudication.
- (2) Service of formal complaint. Service of process shall be provided in accordance with KRS 13B.050(2).
- (3) Issuance of hearing notice. Notice of the hearing shall be provided as required by KRS 13B.050(1) and (3).

Section 4. Formal Response. Within twenty (20) days of service of the formal complaint, the respondent shall file with the board a written response to the specific allegations set forth in the formal complaint. Allegations not properly responded to shall be deemed admitted. The board may, for good cause, permit the late filing of a response.

Section 5. Allegations of Sexual Misconduct by a License Holder.

- (1) To assure confidentiality for the complainant, the alleged victim's name shall not be used in any written document. This individual shall be identified by initials only or by some other mechanism adopted by the board for identification.
- (2) Upon request, the testimony of the alleged victim may be taken by deposition in order to assure his or her confidentiality.
- (3) To protect the confidentiality of all parties, the board may issue an order restraining all parties and their representatives, including counsel, from any discussion or release of information about the allegations outside of the investigative and hearing processes.
- (4) In accordance with the provisions of KRS 319.032(1)(d), the board may hold some or all of the hearing procedures in closed session.

Section 6. Board Member Training for Cases of Sexual Misconduct.

- (1) Within six (6) months of their appointment, all board members and investigators shall undergo specialized training to cover the content specified by KRS 319.032(1)(e).
- (2) No investigator shall be assigned to cases where sexual misconduct has been alleged until such training has been completed.
- (3) Training shall consist of a three (3) hour course which includes the content specified by KRS 319.032 and may be delivered by means of either live presentation, individual tutorial, or videotape. (13 Ky.R. 2162; eff. 7-2-87; Am. 20 Ky.R. 579; 933; eff. 10-21-93; 28 Ky.R. 1459; 1802; eff. 2-7-2002; 37 Ky.R. 1516; 1977; eff. 3-4-2011.)

**201 KAR 26:140. Procedures for disciplinary hearings.**

RELATES TO: KRS 319.092

STATUTORY AUTHORITY: KRS 319.032

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.092 mandates a hearing upon the filing of a complaint alleging a violation of KRS Chapter 319 to be conducted in accordance with the provisions of KRS Chapter 13B. This administrative regulation establishes procedures which supplement the provisions of KRS Chapter 13B.

Section 1. Composition of the Hearing Panel.

- (1) Disciplinary actions shall be heard by a hearing panel consisting of the hearing officer and at least one (1) board member appointed by the board.
- (2) A board member who has participated in the investigation of an initiating complaint or who has personal knowledge of the facts giving rise to the complaint or for other reasons is unable to render a fair and impartial decision shall not sit as a member of the panel hearing that particular complaint.
- (3) Separation of functions. No member, officer, or employee of the board who is engaged in the performance of investigative or prosecutorial functions for the board in a particular case or a factually related case, shall participate in or advise in the decision of the disciplinary action, except as a witness or counsel in the hearing.

Section 2. Hearing Fee. If the board finds against the respondent on any charge, or if the hearing is scheduled at the request of a credential holder or applicant for relief from sanctions previously imposed by the board pursuant to the provisions of KRS Chapter 319, a hearing fee in an amount equal to the costs of stenographic services and the costs of the services of a hearing officer, if any, shall be assessed against the



respondent. In case of financial hardship, the board may waive all or part of the fee.

Section 3. Notification of Action Taken. A press release describing all final disciplinary actions taken by the board to suspend, revoke, or refuse to issue or renew a license, restrict, or place a credential holder on probation shall be provided as mandated by federal law, to the Association for State and Provincial Psychology Boards for publication in their data base, and at least to the newspapers with the largest circulation in Louisville, Lexington, Frankfort, the city of business of the respondent and to the AP wire service. Nothing in this administrative regulation shall be construed to limit KRS 319.092(5). (13 Ky.R. 2162; eff. 7-2-87; Am. 20 Ky.R. 580; 934; eff. 10-21-93; 28 Ky.R. 1461; 1803; eff. 2-7-2002.)

**201 KAR 26:145. Code of conduct.**

RELATES TO: KRS 319.032, 319.082

STATUTORY AUTHORITY: KRS 319.032(1)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(c) requires the board to establish requirements for disciplining a credential holder of this board, whether a licensed psychologist, certified psychologist, certified psychologist with autonomous functioning, licensed psychological practitioner, licensed psychological associate, an applicant or a holder of a temporary license. This administrative regulation establishes a code of conduct for a person practicing psychology.

Section 1. Definitions.

- (1) "Client" means a person who meets the requirements established in Section 2 of this administrative regulation.
- (2) "Confidential information" means information revealed by a client or clients or otherwise obtained by a credential holder in a professional relationship
- (3) "Court order" means the written or oral communication of a member of the judiciary, or other court magistrate or administrator, if the authority has been lawfully delegated to the magistrate or administrator.
- (4) "Credential holder" is defined by KRS 319.010(3).
- (5) "Professional relationship" means a mutually agreed upon relationship between a credential holder and a client for the purpose of the client obtaining the credential holder's professional expertise.
- (6) "Professional service" means all actions of the credential holder in the context of a professional relationship with a client.
- (7) "Supervisee" means a person who functions under the extended authority of the credential holder to provide psychological services.

Section 2. Client Requirements.

- (1) Identification of a client. A client shall be a person who receives:
  - (a) An evaluation, assessment, or psychological testing;
  - (b) Other professional psychological services for the treatment or amelioration of an emotional, mental, nervous, addictive or behavioral disorder or distress, or a mental health condition; or
  - (c) Psychological consultation in the context of a professional relationship.
- (2) A corporate entity or other organization shall be considered the client if the professional contract is to provide a psychological service of benefit to the corporate entity or organization.
- (3) A legal guardian of a minor or legally incompetent adult shall be considered the client for a decision-making purposes.
- (4) A person identified as a client pursuant to subsections (1)-(3) of this section shall be deemed to continue to be a client for a period of two (2) years following the last date of service rendered to the person.

### Section 3. Competence.

- (1) Limits on practice. The credential holder shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training, and experience.
- (2) Maintaining competency. The credential holder shall maintain current competency in the areas in which he or she practices, through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge.
- (3) Adding new services and techniques. The credential holder, if developing competency in a service or technique that is new either to the credential holder or new to the profession, shall engage in ongoing consultation with other psychologists or relevant professionals and shall obtain appropriate education and training. The credential holder shall inform a client of the innovative nature and the known risks associated with the service, so that the client can exercise freedom of choice concerning the service.
- (4) Referral. The credential holder shall make or recommend referral to other professional, technical, or administrative resources if a referral is clearly in the best interests of the client.
- (5) Sufficient professional information. A credential holder rendering a formal professional opinion in a report, letter, or testimony about a person shall not do so without direct and substantial professional contact with or a formal assessment of that person.
- (6) Maintenance and retention of records.
  - (a) The credential holder rendering professional services to an individual client, or services billed to a third-party payor, shall maintain professional records that include:
    1. The presenting problem, purpose or diagnosis;
    2. The fee arrangement;
    3. The date and substance of each professional contact or service;
    4. Test results or other evaluative results obtained and the basic test data from which the results were derived;
    5. Notation and results of a formal consult with another provider; and
    6. A copy of all test or other evaluative reports prepared as part of the professional relationship.
  - (b) The credential holder shall ensure that all records are maintained for a period of not less than six (6) years after the last date that services were rendered.
  - (c) The credential holder shall store and dispose of written, electronic and other records in a manner which shall ensure their confidentiality.
  - (d) For each person supervised pursuant to KRS Chapter 319, the credential holder shall maintain for a period of not less than six (6) years after the last date of supervision a record of each supervisory session that shall include the type, place, date, and general content of the session.
- (7) Continuity of care. The credential holder shall make arrangements for another appropriate professional or professionals to provide for an emergency need of a client, as appropriate, during a period of his or her foreseeable absence from professional availability.

### Section 4. Impaired Objectivity and Dual Relationships.

- (1) Impaired credential holder.
  - (a) The credential holder shall not undertake or continue a professional relationship with a client if the objectivity or competency of the credential holder is impaired due to a mental, emotional, physiologic, pharmacologic, or substance abuse condition.
  - (b) If an impairment develops after a professional relationship has been initiated, the credential holder shall:
    1. Terminate the relationship in an appropriate manner;
    2. Notify the client in writing of the termination; and
    3. Assist the client in obtaining services from another professional.
- (2) Prohibited dual relationships.

- (a) The credential holder shall not undertake or continue a professional relationship with a client if the objectivity or competency of the credential holder is impaired because of the credential holder's present or previous familial, social, sexual, emotional, financial, supervisory, administrative, or legal relationship with the client or a relevant person associated with or related to the client.
- (b) The credential holder, in interacting with a client, shall not:
  - 1. Engage in verbal or physical behavior toward the client which is sexually seductive, demeaning, or harassing;
  - 2. Engage in sexual intercourse or other physical intimacy with the client; or
  - 3. Enter into a potentially exploitative relationship with the client.
- (c) The prohibitions established in paragraph (b) of this subsection shall extend indefinitely if the client is clearly vulnerable, by reason of emotional or cognitive disorder, to exploitative influence by the credential holder.

#### Section 5. Client Welfare.

- (1) Providing explanation of procedures. The credential holder shall give a truthful, understandable, and appropriate account of the client's condition to the client or to those responsible for the care of the client. The credential holder shall keep the client fully informed as to the purpose and nature of an evaluation, treatment, or other procedure, and of the client's right to freedom of choice regarding services provided.
- (2) Termination of services.
  - (a) If professional services are terminated, the credential holder shall offer to assist the client in obtaining services from another professional.
  - (b) The credential holder shall:
    - 1. Terminate a professional relationship if the client is not benefiting from the services; and
    - 2. Prepare the client appropriately for the termination.
- (3) Stereotyping. The credential holder shall not impose on the client a stereotype of behavior, values, or roles related to age, gender, religion, race, disability, nationality, sexual preference, or diagnosis which would interfere with the objective provision of psychological services to the client.
- (4) Solicitation of business by clients. The credential holder providing services to an individual client shall not induce that client to solicit business on behalf of the credential holder.
- (5) Referrals on request. The credential holder providing services to a client shall make an appropriate referral of the client to another professional if requested to do so by the client.

#### Section 6. Welfare of Supervisees and Research Subjects.

- (1) Welfare of supervisees. The credential holder shall not exploit a supervisee.
- (2) Welfare of research subjects. The credential holder shall respect the dignity and protect the welfare of his or her research subjects, and shall comply with all relevant statutes and administrative regulations concerning treatment of research subjects.

#### Section 7. Protecting the Confidentiality of Clients.

- (1) General. The credential holder shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional services. Except as provided in this section, the credential holder shall obtain the informed written consent of the client prior to disclosing confidential information.
- (2) Disclosure without informed written consent. The credential holder shall disclose confidential information without the informed consent of the client if the credential holder has a duty to warn an intended victim of the client's threat of violence pursuant to KRS 202A.400 or 645.270.

- (3) Disclosure if the client is a corporation or other organization. If the client is a corporation or other organization, the requirements for confidentiality established in this section shall:
  - (a) Apply to information that pertains to:
    - 1. The corporation or organization; or
    - 2. An individual, including personal information, if the information is obtained in the proper course of the contract; and
  - (b) Not apply to personal information concerning an individual if the individual had a reasonable expectation that the information was:
    - 1. Obtained in a separate professional relationship between the credential holder and the individual; and
    - 2. Subject to the confidentiality requirements established in this section.
- (4) Services involving more than one (1) interested party. If more than one (1) party has an appropriate interest in the professional services rendered by the credential holder to a client or clients, the credential holder shall clarify to all parties prior to rendering the services the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services.
- (5) Multiple clients. If service is rendered to more than one (1) client during a joint session, the credential holder shall at the beginning of the professional relationship clarify to all parties the manner in which confidentiality shall be handled.
- (6) Legally dependent clients. At the beginning of a professional relationship the credential holder shall inform a client who is below the age of majority or who has a legal guardian, of the limit the law imposes on the right of confidentiality with respect to his or her communications with the credential holder.
- (7) Limited access to client records. The credential holder shall limit access to client records to preserve their confidentiality and shall ensure that all persons working under the credential holder's authority comply with the requirements for confidentiality of client material.
- (8) Release of confidential information. The credential holder shall release confidential information upon court order or to conform with state law, including KRS 422.317, or federal law or regulation.
- (9) Reporting of abuse of children and vulnerable adults. The credential holder shall be familiar with the relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with those laws, including KRS 620.030.
- (10) Discussion of client information among professionals. If rendering professional services as part of a team or if interacting with other appropriate professionals concerning the welfare of the client, the credential holder may share confidential information about the client if the credential holder takes reasonable steps to ensure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.
- (11) Disguising confidential information. If case reports or other confidential information is used as the basis of teaching, research, or other published reports, the credential holder shall exercise reasonable care to ensure that the reported material is appropriately disguised to prevent client identification.
- (12) Observation and electronic recording. The credential holder shall ensure that diagnostic interviews or therapeutic sessions with a client are observed or electronically recorded only with the informed written consent of the client.
- (13) Confidentiality after termination of professional relationship. The credential holder shall continue to treat as confidential information regarding a client after the professional relationship between the credential holder and the client has ceased.

#### Section 8. Representation of Services.

- (1) Display of credentials. The credential holder shall display his or her current credential to practice psychology on the premises of his or her professional office.

- (2) Misrepresentation of qualifications. The credential holder shall not misrepresent directly or by implication his or her professional qualifications such as education, experience, or areas of competence.
- (3) Misrepresentation of affiliations. The credential holder shall not misrepresent directly or by implication his or her affiliations, or the purposes or characteristics of institutions and organizations with which the credential holder is associated.
- (4) False or misleading information. The credential holder shall not include false or misleading information in a public statement concerning professional services offered.
- (5) Misrepresentation of services or products. The credential holder shall not associate with or permit his or her name to be used in connection with a service or product in a way which misrepresents:
  - (a) The service or product;
  - (b) The degree of his or her responsibility for the service or product; or
  - (c) The nature of his or her association with the service or product.
- (6) Correction of misrepresentation by others. The credential holder shall correct others who misrepresent the credential holder's professional qualifications or affiliations.

Section 9. Disclosure of Cost of Services. The credential holder shall not mislead or withhold from a client, prospective client, or third party payor, information about the cost of his or her professional services.

#### Section 10. Assessment Procedures.

- (1) Confidential information. The credential holder shall treat as confidential assessment results or interpretations regarding an individual.
- (2) Protection of integrity of assessment procedures. The credential holder shall not disseminate a psychological test in a way that may invalidate it.
- (3) Information for professional users. The credential holder offering an assessment procedure or automated interpretation service to another professional shall accompany this offering by a manual or other printed material which describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. The credential holder shall state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. The credential holder shall ensure that advertisements for the assessment procedure or interpretive service are factual.

#### Section 11. Aiding Illegal Practice.

- (1) Delegating professional responsibility. The credential holder shall not delegate professional responsibilities to a person not appropriately credentialed or otherwise appropriately qualified to provide psychological services.
- (2) Providing supervision. The credential holder shall exercise appropriate supervision over a supervisee, as required by 201 KAR 26:171. (20 Ky.R. 672; eff. 10-21-93; Am. 24 Ky.R. 1117; 1655; eff. 2-17-98; 28 Ky.R. 1463; 1805; eff. 2-7-2002; 31 Ky.R. 998; 1508; eff. 3-8-05.)

**201 KAR 26:155. Licensed psychologist: application procedures and temporary license.**

RELATES TO: KRS 319.050

STATUTORY AUTHORITY: 319.032(1)(a), (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychologist. This administrative regulation establishes the requirements for applicants for licensure, and the conditions for a temporary license.

**Section 1. Application.**

- (1) An application for a credential as a licensed psychologist and for temporary licensure may be submitted after the requirements established in KRS 319.050(2) are met.
- (2) The application required by subsection (1) or (2) of this section shall be made by submitting a completed Form Psy-1 to the board. The application shall:
  - (a) Include a certification by the applicant that the:
    1. Information in the application is true, correct, and complete to the best of his or her knowledge and belief; and
    2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification; and
  - (b) Be accompanied by:
    1. A check or money order payable to the Kentucky State Treasurer for the application fee as required by 201 KAR 26:160;
    2. Three (3) letters of reference from persons qualified to evaluate the applicant's professional ability, including two (2) persons who have received a doctorate in psychology (Ph.D. PsyD., Ed.D.); and
    3. An official transcript for all levels of education required for licensure.

**Section 2. Temporary Licensure.**

- (1) Pending successful completion of required examinations, an applicant may request permission to practice psychology at the doctoral level on a temporary basis pursuant to KRS 319.050(3). The request for a temporary credential shall be cosigned by the candidate and the proposed supervisor, who shall be a licensed psychologist approved by the board.
- (2) Supervision during the period of temporary licensure shall be a minimum of one (1) hour of individual, face-to-face supervision on a weekly basis.
- (3) A report of supervision shall be submitted on a regular basis as required by 201 KAR 26:171, Section 6.
- (4) The candidate shall take the national EPPP within one (1) year of the board's written approval of temporary licensure
- (5) The period of temporary licensure shall be terminated upon successful completion of all credentials and examination procedures or upon the earliest of the following:
  - (a) The candidate's failure to pass the EPPP within one (1) year of the date of the board's approval for temporary license.
  - (b) The candidate's failure to pass the examinations on psychological practice, ethical principles, and the law within one (1) year of completion of the required supervised experience.
  - (c) The passage of two (2) years from issuance.
- (6) Under exceptional circumstances and upon written request cosigned by the board approved supervisor, the board shall approve an extension of the period of temporary licensure.

Section 3. Grace Period for Submission of Credentials. In order to allow for processing of the candidate's materials by the board, there shall be a grace period not to exceed sixty (60) days within which candidates who have completed their degree requirements may begin to practice psychology under supervision of a board-approved supervisor, as established in 201 KAR 26:190.

- (1) Upon acceptance of employment or the beginning of the required period of supervision, the candidate and the licensed psychologist who shall serve as his or her supervisor shall immediately submit a letter of notice to the board indicating that he or she has begun to practice in Kentucky and that application materials are forthcoming. Failure to submit this notice shall be deemed as grounds for disciplinary action against the candidate and the supervisor.
- (2) It is the responsibility of the candidate to ensure that all materials are forwarded to the board within thirty (30) days from the date of employment or supervision. Once the application is complete, the board shall review the material at its next scheduled meeting and, if appropriate, issue either a temporary or permanent credential. If the candidate does not meet the requirements for the credential, or if their application material is insufficient to take any action, he or she shall be notified by the board and directed to cease practice until the requirements are met or the necessary documentation has been submitted.
- (3) Under no circumstances shall the grace period be extended beyond sixty (60) days. Candidates who fail to achieve approval within this timeframe shall not practice psychology until credentialed by the board.
- (4) Upon filing the notice set forth in Section 3(1) of this administrative regulation, the candidate is deemed to be practicing psychology under the jurisdiction of the board, and shall comply with KRS Chapter 319 and 201 KAR Chapter 26.

#### Section 4. Incorporation by Reference.

- (1) "Form Psy 1", (January 2002 edition), is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Examiners of Psychology, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (20 Ky.R. 674; Am. 936; eff. 10-21-93; 24 Ky.R. 1121; 1658; eff. 2-17-98; 28 Ky.R. 1466; 1807; eff. 2-7-2002; 31 Ky.R. 1001; eff. 3-8-05; 37 Ky.R. 1518; 1978; eff. 3-4-2011.)

#### **201 KAR 26:160. Fee schedule.**

RELATES TO: KRS 319.050(2)(a), 319.064(1)(a), 319.071(1)

STATUTORY AUTHORITY: KRS 319.032(1)(n), 319.071(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.050(2)(a) and 319.064(1)(a) require an applicant to pay a fee for applying for licensure. KRS 319.071(1) requires a credential holder to pay a renewal fee established by the board. KRS 319.032(1)(n) requires the board to promulgate administrative regulations increasing or decreasing the fees for an applicant or credential holder as the board deems necessary. This administrative regulation establishes the application and renewal fees for credential holders.

#### Section 1.

- (1) Except as provided in subsection (3) of this section, an applicant for licensure as a psychologist shall pay the following:
  - (a) A \$100 nonrefundable application review fee;
  - (b) The fee for taking the EPPP, which shall be paid directly to the ASPPB examination contractor;
  - (c) A \$100 nonrefundable fee for taking the structured oral examination.
- (2) Except as provided in subsection (3) of this section, an applicant for licensure as a psychological associate shall pay the following:
  - (a) A \$100 nonrefundable application review fee;

- (b) The fee for taking the EPPP, which shall be paid directly to the ASPPB examination contractor;
- (3) The examination fee established in subsection (1)(b) or (2)(b) of this section shall be waived if a candidate has:
  - (a) Previously taken the EPPP in another state; and
  - (b) Achieved a score which would be considered as passing in Kentucky.
- (4) Upon successful completion of the application and examination processes, the initial licensure fees shall be as follows:
  - (a) An applicant for licensure as a psychologist or psychological practitioner shall pay \$250 for the first three (3) year period;
  - (b) An applicant for licensure as a psychological associate shall pay \$200 for the first three (3) year period.
- (5) Every three (3) years a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall pay to the board a renewal fee of \$450.
- (6) Every three (3) years a certified psychologist or licensed psychological associate shall pay to the board a renewal fee of \$300.

#### Section 2.

- (1) If the applicant fails the Examination for Professional Practice in Psychology (EPPP) and applies to retake this examination, the applicant shall submit the examination fee as established by the ASPPB examination contractor directly to the contractor.
- (2) If the applicant fails the structured oral examination and applies to retake this examination, the fee shall be fifty (50) dollars.
- (3) An application for licensure by reciprocity shall be accompanied by a fee of \$100.

#### Section 3.

- (1) The board may refund the fee for the EPPP and the fee for the structured oral examination, if applicable, if an application was:
  - (a) Approved; and
  - (b) Withdrawn prior to the applicant taking the examination for professional practice in psychology.
- (2) The board shall refund the fee for the EPPP or the structured oral examination, if applicable, if the application to sit for the examination is denied. (13 Ky.R. 1964; eff. 6-9-87; Am. 15 Ky.R. 1678; eff. 3-10-89; 17 Ky.R. 101; eff. 8-17-90; 24 Ky.R. 1123; 1660; e ff. 2-17-98; 28 Ky.R. 1468; 1809; eff. 2-7-2002; 29 Ky.R. 507; eff. 10-16-2002.)

### **201 KAR 26:165. Inactive status.**

RELATES TO: KRS 319.071

STATUTORY AUTHORITY: KRS 319.032

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.071(3) authorizes the board to grant inactive status for a credential holder for a period of up to three (3) consecutive years. This administrative regulation establishes the requirements for inactive status.

#### Section 1. Inactive status may be granted to a credential holder pursuant to KRS 319.071(3).

- (1) The credential holder shall be relieved of his or her obligation to pay the renewal fee and of maintaining supervision of his or her practice, but shall continue to meet the requirements for continuing education.
- (2) The credential holder may return to active status within the three (3) year period upon:
  - (a) Notification to the board;
  - (b) Payment of the current renewal fee;



- (c) Resumption of any required supervisory relationship with a supervisor acceptable to the board; and
  - (d) Demonstration of compliance with all continuing education requirements during the period of inactive status.
- (3) The three (3) consecutive year period of inactive status shall begin at the date of expiration of the current period of licensure.
- (4) If the credential holder does not reactivate his or her credential at the end of the three (3) year period of inactive status, then the credential shall be forfeited and the credential holder shall make a new application to the board and be reexamined by the board before a new credential may be issued. If the credential holder returns to active status within the three (3) year period, his or her new renewal date shall be the date of return to active status.. (20 Ky.R. 675; Am. 937; eff. 10-21-93; 28 Ky.R. 1469; eff. 2-7-200; 31 Ky.R. 1003; 1511; eff. 3-8-05.)

**201 KAR 26:171. Requirements for supervision.**

RELATES TO: KRS 319.032(1)(l), 319.050(3), (6), 319.056(4), 319.064(3), (4), 319.082(1), 319.092(3)(d), 319.118(1)

STATUTORY AUTHORITY: KRS 319.032(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) requires the board to promulgate an administrative regulation governing the supervision of a certified psychologist, licensed psychological associate, candidate for licensure, or a credential holder sanctioned by the board. This administrative regulation establishes the requirements for supervision.

Section 1. Except as provided in Section 15 of this administrative regulation, a supervisory arrangement shall have the prior approval of the board, with both supervisor and supervisee petitioning the board in writing. The supervisor and supervisee shall submit to the board the description of the supervisory arrangement or a change in the supervisory arrangement at least thirty (30) days prior to the effective date of the arrangement or change.

Section 2.

- (1) All supervision requirements shall:
  - (a) Be met with individual, face-to-face, weekly contact between supervisor and supervisee except as provided in subsection (2) of this section and Sections 12 and 15 of this administrative regulation; and
  - (b) Include additional supervision sessions as needed.
- (2) An alternative format of supervision, including two (2) way interactive video, may be substituted for the supervisory contact, required by subsection (1) of this section, upon specific approval by the board.

Section 3.

- (1) A certified psychologist or licensed psychological associate may petition the board to be relieved of his or her obligation to maintain supervision during which period he or she shall not practice psychology.
- (2) The certified psychologist or licensed psychological associate shall obtain a supervisor approved by the board before the resumption of practice.
- (3) Upon resumption of practice, the certified psychologist or licensed psychological associate shall document compliance with continuing education requirements and shall report on their activities and employment related to psychology during the period without supervision.

Section 4.

- (1) A licensed psychologist with health service provider designation who has been approved by the

board as a supervisor shall attend a board approved training session in supervisory practices within twelve (12) months of obtaining approval as a supervisor.

- (2) A board approved supervisor shall obtain a minimum of three (3) continuing education hours in supervision theory or techniques in each three (3) year renewal cycle as required by 201 KAR 26:175, Section 1(3). The board shall suspend its approval of a supervisor if the supervisor does not complete the required continuing education.

#### Section 5.

- (1) The supervisor shall make all reasonable efforts to be assured that each supervisee's practice is in compliance with this administrative regulation.
- (2) The supervisor shall report to the board an apparent violation of KRS 319.082(1) on the part of the supervisee.
- (3) The supervisor shall inform the board immediately of a change in the ability to supervise, or in the ability of a supervisee to function in the practice of psychology in a competent manner.
- (4) The supervisor shall control, direct, or limit the supervisee's practice as appropriate to insure that the supervisee's practice of psychology is competent.
- (5) The supervisor of record shall be responsible for the practice of psychology by the supervisee. If the board initiates an investigation concerning a supervisee, the investigation shall include the supervisor of record.
- (6) For each person supervised pursuant to KRS 319.050(3), (6), 319.056(3), (4), 319.064(2), (4), or 319.092(3)(d), the supervisor shall maintain a record of each supervisory session that shall include the type, place, and general content of the session. This record shall be maintained for a period of not less than six (6) years after the last date of supervision.

#### Section 6.

- (1) In calculating the amount of time spent in full-time practice while under supervision, 1,800 hours of supervised practice shall be equivalent to one (1) year of experience.
- (2) The supervisor shall provide reports to the board of the supervision of each supervisee according to the following schedule:

Credential Status	Reporting Period	Report Due Date(s)
(a) Licensed psychological associate or certified psychologist with 4 or more years of full-time practice, or its equivalent	Every 2 years (with prior board approval)	Anniversary date of supervisee's licensure
(b) Licensed psychological associate or certified psychologist with fewer than 4 years of full-time practice, or its equivalent	Yearly	Anniversary date of supervisee's licensure
(c) Temporarily licensed psychologist	Every 6 months and 1 month prior to structured exam	
(d) Temporarily licensed psychological associate	Every 6 months	
(e) Sanctioned license holder	Quarterly	January, April, July, and October 15th

- (3) The report shall include:

- (a) A description of the frequency, format and duration of supervision;
- (b) An assessment of the functioning of the supervisee, including the strengths and weaknesses; and
- (c) Other information which may be relevant to an adequate assessment of the practice of the supervisee.

Section 7.

- (1) If a supervisee has more than one (1) board-approved supervisor, the supervisors shall be in direct contact with one another at least once every six (6) months, and they shall provide supervisory plans and reports to the board and copies to one another.
- (2) A request to have more than two (2) supervisors at one (1) time shall require a special application to the board which shall include detailed information as to how the supervisors shall communicate and coordinate with each other in providing the required supervision.

Section 8. If the supervisee is a licensed psychological associate or a certified psychologist with less than four (4) years of full-time, postlicensure practice, or its equivalent, or a licensure candidate with temporary permission to practice, the supervisor of record shall:

- (1) Read and countersign all psychological assessments;
- (2) Review treatment plans, progress notes and correspondence on an as-needed basis to assess the competency of the supervisee to render psychological services;
- (3) Jointly establish with the supervisee a supervisory plan that shall be submitted to the board to the board at the beginning of the supervisory relationship. The plan shall:
  - (a) Be updated or revised and submitted to the board with the regular report of supervision;
  - (b) Include intended format, and goals to be accomplished through the supervisory process; and
  - (c) Include methods that the supervisor and supervisee shall employ to evaluate the supervisory process.
- (4) Have direct observation of the supervisee's work at least once every two (2) months. Direct observation can be accomplished through audiotaping, video camera, videotaping, one (1) way mirror or as a cotherapist;
- (5) Have direct knowledge of the size and complexity of the supervisee's caseload;
- (6) Limit and control the caseload as appropriate to the supervisee's level of competence;
- (7) Have knowledge of the therapeutic modalities and techniques being used by the supervisee; and
- (8) Have knowledge of the supervisee's physical and emotional well-being when it has a direct bearing on the supervisee's competence to practice.

Section 9. If the supervisee is a licensed psychological associate or certified psychologist with more than four (4) years of full-time, postlicensure practice, or its equivalent, the supervisor of record shall:

- (1) Review and countersign psychological assessments as needed or appropriate;
- (2) Review treatment plans, notes, and correspondence as needed or appropriate;
- (3) Jointly establish with the supervisee a supervisory plan that shall be submitted to the board to the board at the beginning of the supervisory relationship. The plan shall:
  - (a) Be updated or revised and submitted to the board with the regular report of supervision;
  - (b) Include intended format, and goals to be accomplished through the supervisory process; and
  - (c) Include methods that the supervisor and supervisee shall employ to evaluate the supervisory process.
- (4) Have direct observation of the supervisee's work on an as-needed basis;
- (5) Have direct knowledge of the size and complexity of the supervisee's caseload;
- (6) Limit and control the caseload as appropriate to the supervisee's level of competence;
- (7) Have knowledge of the therapeutic modalities and techniques being used by the supervisee; and

- (8) Have knowledge of the supervisee's physical and emotional well-being when it has a direct bearing on the supervisee's competence to practice.

#### Section 10.

- (1) The supervisee shall:
  - (a) Keep the supervisor adequately informed at all times of his or her activities and ability to function; and
  - (b) Seek supervision as needed in addition to a regularly scheduled supervisory session.
- (2) The supervisee shall:
  - (a) Participate with the supervisor in establishing supervisory goals and in completing the regular supervisory reports;
  - (b) Be jointly responsible with the supervisor for ensuring that a supervisory report or plan has been sent to the board in accordance with the reporting schedule established in Section 6(1) of this administrative regulation; and
  - (c) Report to the board a apparent violation of KRS 319.082(1) on the part of the supervisor.

Section 11. Identification of Provider. The actual deliverer of a service shall be identified to the client. A billing for a rendered service shall identify which service was performed by the certified psychologist, licensed psychological associate, temporary licensed psychologist, trainee, or other provider and supervised by the licensed psychologist.

#### Section 12. Frequency of Supervision.

- (1) A licensed psychological associate or certified psychologist shall have a minimum of one (1) hour of individual face-to-face supervision on a weekly basis for the first two (2) years of full-time practice or its equivalent following licensure.
- (2) After two (2) years of full-time, postlicensure practice, or its equivalent, the supervisor and supervisee may petition the board to alter the format, frequency or duration of supervision as long as the proposed change includes a minimum of two (2) one (1) hour individual face-to-face meetings every four (4) weeks, and the total amount of supervision is not less than four (4) hours per four (4) week period. This petition may include a request to change the format from individual to group supervision. Supervision requirements for part-time practice may be modified at the discretion of the board upon approval of the submitted plan.
- (3)
  - (a) After four (4) years of full-time, postlicensure practice, or its equivalent, the supervisor and supervisee may petition the board for further modification of the format, frequency, or duration of supervision, with a minimum amount of one (1) hour of face-to-face supervision per month. Additional modifications of the format, frequency or duration of supervision may be submitted for approval by the board.
  - (b) Upon a change of supervisor, a new plan for supervision shall be submitted by the supervisor and supervisee to the board for approval. This plan may require additional supervision than was previously approved by the board.
  - (c) Upon termination of the supervisor-supervisee relationship, the final report of supervision shall be submitted to the board within thirty (30) days of the termination.

#### Section 13. Supervision of a Disciplined Licensed Holder.

- (1) The board shall appoint an approved supervisor to supervise a disciplined licensed holder for the period of time defined by the board.
- (2) The disciplined license holder shall be responsible for paying the fee for supervision.
- (3) The supervisor shall have completed the board approved training course in supervision.
- (4) The supervisor shall:
  - (a) Review the originating complaint, agreed order, or findings of the disciplinary hearing;
  - (b) Meet with the disciplined license holder and the board liaison to:

1. Summarize the actions and concerns of the board;
  2. Review the goals and expected outcomes of supervision submitted by the board liaison;
  3. Develop a specific plan of supervision; and
  4. Review the reporting requirements that shall be met during the period of supervision;
- (c) Meet with the disciplined license holder at least weekly, on an individual face-to-face basis for a minimum of one (1) hour unless modified by the board;
  - (d) Submit a quarterly report to the board which reflects progress, problems, and other information relevant to the need for board-mandated supervision;
  - (e) Make all reasonable efforts to insure that the disciplined license holder's practice is in compliance with KRS Chapter 319 and 201 KAR Chapter 26;
  - (f) Report to the board any apparent violation of KRS 319.082(1) on the part of the disciplined license holder;
  - (g) Immediately report to the board in writing; a change in the ability to supervise, or in the ability of the disciplined license holder to function in the practice of psychology in a competent manner;
  - (h) Review and countersign psychological assessments as needed or appropriate;
  - (i) Review treatment plans, notes, and correspondence as needed or appropriate;
  - (j) Have direct observation of the disciplined license holder's work on an as-needed basis;
  - (k) Have direct knowledge of the size and complexity of the disciplined license holder's caseload;
  - (l) Have knowledge of the therapeutic modalities and techniques being used by the disciplined license holder; and
  - (m) Have knowledge of the disciplined license holder's physical and emotional well-being when it has direct bearing on the disciplined license holder's competence to practice.
- (5) The supervisor shall control, direct or limit the disciplined license holder's practice as appropriate to ensure that the disciplined license holder's practice is competent.
  - (6) The supervisor shall contact the board liaison with any concern or problem with the disciplined license holder, his or her practice or the supervision process.
  - (7) A final meeting shall be scheduled within thirty (30) days of the end of the established supervision period to summarize the supervision. The meeting shall include the supervisor, disciplined license holder and board liaison. A written summary of the supervision shall be submitted by the supervisor to the board two (2) weeks following this meeting with a copy to the board liaison.

Section 14. Board Liaison for Disciplined License Holder. The board shall appoint a board member to serve as a liaison between the board and the approved supervisor. The board liaison shall:

- (1) Recruit the supervising psychologist from a list provided by the board;
- (2) Provide the supervising psychologist with the originating complaint, agreed order or findings of the hearing and supply other material relating to the disciplinary action as deemed appropriate by the liaison;
- (3) Ensure that the supervising psychologist is provided with the necessary documentation for liability purposes to clarify that he or she is acting as an agent of the board pursuant to KRS 319.118(1) and has immunity commensurate with that of a board member;
- (4) Provide the supervising psychologist with a written description of the responsibilities of the supervisor and a copy of the responsibilities of the liaison;
- (5) Ensure that the board has sent a written notification letter to the disciplined license holder. The notification letter shall:
  - (a) State the name of the supervising psychologist; and

- (b) Specify that the disciplined license holder shall meet with the supervising psychologist and the liaison within thirty (30) days of the date of the notification letter;
- (6) Meet with the supervising psychologist and disciplined license holder within thirty (30) days of the date of the notification letter to summarize the actions of the board, review the applicable statutes and administrative regulations regarding supervision requirements for a disciplined license holder and assist with the development of a plan of supervision. The plan of supervision shall be written at the first meeting;
- (7) Submit the report of supervision to the board for approval. The liaison shall place the report of supervision on the agenda for review and approval at the next regularly scheduled board meeting. In the interim, the supervising psychologist and disciplined license holder shall continue to meet;
- (8) Remain available to the supervising psychologist to provide assistance and information as needed;
- (9) Report any problem or concern to the board regarding the supervision and communicate a directive of the board to the supervising psychologist;
- (10) Review the quarterly report of supervision and forward to the supervision committee of the board for approval; and
- (11) Meet with the supervising psychologist and the disciplined license holder at the end of the term of supervision to summarize the supervision.

Section 15. Psychology Graduate Students. Graduate-level psychology students who are providing services in psychological health care settings including independent practice settings shall:

- (1) Be supervised by a psychologist licensed by the Board of Examiner's of Psychology with health service provider status, licensed at the doctoral level by the State Board of Examiners in the state in which the training program exists, or by a licensed mental health professional approved by the training program who is affiliated with either the university training program or the practice setting;
- (2) Be registered for credit in his or her course of study;
- (3) Clearly identify their status as unlicensed psychology trainees to all clients and payors;
- (4) Give to all clients and payors the name of the licensed psychologist responsible for their work;
- (5) Not accept employment or placement to perform the same or similar activities following the completion of their university-sanctioned placement, regardless of the job title given, unless the student holds a license from the board. (14 Ky.R. 526; eff. 10-2-87; Am. 15 Ky.R. 1679; eff. 3-10-89; 20 Ky.R. 584; 937; eff. 10-21-93; 24 Ky.R. 1124; 1661; eff. 2-17-98; 28 Ky.R. 1469; 1809; eff. 2-7-2002; 31 Ky.R. 1004; eff. 3-8-05; 37 Ky.R. 1520; 1979; 3-4-2011.)

## **201 KAR 26:175. Continuing education.**

RELATES TO: KRS 319.032(1)(f), 319.050, 319.053, 319.064, 319.071

STATUTORY AUTHORITY: KRS 319.032(1)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(f) requires the board to promulgate an administrative regulation establishing a requirement for continuing education as a condition for renewal of a license. This administrative regulation establishes the continuing education requirements for renewal of a license.

### **Section 1. Definitions.**

- (1) "Continuing education" means participation in an approved program beyond the basic educational requirements that meet the requirements established in Section 2(1) of this administrative regulation.
- (2) "Continuing education (CE) hour" means a fifty-five (55) minute clock hour of instruction.

## Section 2.

- (1) Each license holder shall document the completion of at least thirty (30) continuing education hours approved by the board within each three (3) year renewal period. Commencing on the first license renewal date after June 30, 2013, each license holder shall document the completion of at least thirty-nine (39) continuing education hours approved by the board within the three (3) year renewal period and for each subsequent renewal period.
- (2) The continuing education shall:
  - (a) Provide specific content planned and evaluated to improve the license holder's professional competence;
  - (b) Make possible the acquisition of new skills and knowledge required to maintain competence;
  - (c) Strengthen the habits of critical inquiry and balanced judgment; and
  - (d) Include a minimum of three (3) hours in either ethical practice or risk management with each three (3) year renewal period.
- (3) Continuing educational hours shall not carry over from one (1) renewal period to the next.
- (4)
  - (a) Except as provided in paragraph (b) of this subsection, a licensed psychologist with the health service provider designation who provides supervision to an applicant for licensure, or a certified psychologist or a licensed psychological associate shall include as part of the thirty (30) hours of continuing education required by subsection (1) of this section a minimum of three (3) continuing education hours in the area of supervision theory or techniques for each three (3) year renewal period.
  - (b) The requirement established in paragraph (a) of this subsection shall begin with the renewal period immediately following the period in which the original supervisory training required by 201 KAR 26:171, Section 4(1) and (2), is received.

Section 3. Hours required to satisfy the continuing education requirement shall be completed and reported at the time of license renewal. The license holder shall:

- (1) Maintain and provide adequate records including certificates of attendance and documentation of completion of the required continuing education hours, or
- (2) Provide documentation through a board-approved registry which shall certify the name and license number of the license holder, date and title of each program and the number of hours earned, and confirmation that the programs were given by a board-approved provider.

Section 4. All continuing education activities approved by the board shall be accepted toward the continuing education requirements for renewal of a license. A license holder shall determine prior to attending a specific continuing education program that the program:

- (1) Has been approved by the board; or
- (2) Is offered or sponsored by an organization approved by the board to sponsor continuing education programs.

## Section 5. Approved Sponsoring Organizations and Approved Programs.

- (1) Participation in a continuing education program that is offered or sponsored by an organization listed in this subsection shall be accepted toward the requirement for continuing education established in Section 2(1) of this administrative regulation:
  - (a) The American Psychological Association; American Medical Association; American Psychiatric Association; National Association of Social Workers, or an affiliated state chapter;
  - (b) A recognized state, regional, national, or international psychological association; or
  - (c) A state or provincial psychology licensure board;
- (2) The following programs shall be approved for continuing education:

- (a) A course for graduate-level academic credit or a workshop in psychology or psychiatry offered by a national, regional, or state accredited academic institution or an affiliated hospital or medical center;
  - (b) The Kentucky Mental Health Institute or the Kentucky School of Alcohol and Other Drug Studies sponsored by the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities;
  - (c) Interactional videoconferencing, internet-based course or a home study course provided by an organization listed in subsection (1) of this section.
- (3) (a) The board may approve an organization that is not listed in Section 5(1) of this administrative regulation as a sponsor of continuing education for a twelve (12) month period if the organization:
- 1. Files a written request for approval;
  - 2. Pays an initial application fee of \$250; and
  - 3. Proposes to sponsor continuing education programs that meet the requirements established in Sections 2(1) and 6 of this administrative regulation.
- (b) An approved sponsor shall submit an annual report of the continuing education programs offered during that year.
- (c) A sponsor that is approved pursuant to paragraph (a) of this subsection may request renewal of its approval for subsequent years by filing a \$150 renewal fee annually.
- (4) (a) The board may approve a specific continuing education program that is not listed in

Section 5(2) of this administrative regulation if the sponsor of the program:

- 1. Files a written request for approval;
  - 2. Pays an application fee of fifty (50) dollars; and
  - 3. Provides information about a continuing education program that it proposes to sponsor which meets the requirements established in Sections 2(1) and 6 of this administrative regulation.
- (b) The approval of a program pursuant to paragraph (a) of this subsection shall permit the sponsor to offer the program one (1) time. The sponsor shall submit a request for renewal and a ten (10) dollar renewal fee for each subsequent request to offer the same approved program.

Section 6. A continuing education program which satisfies the requirements for license renewal shall meet the following criteria:

- (1) The program shall be:
  - (a) Offered or sponsored by an organization which has been approved by the board; or
  - (b) A specific program approved by the board;
- (2) The program shall:
  - (a) Have a clearly-stated purpose and defined content area; and
  - (b) Be consistent with the overall goals of continuing education as defined in Section 1 of this administrative regulation;
- (3) A presenter shall be a professional qualified in the defined content area;
- (4) The program's time shall be clearly stated. Actual contact time shall be a minimum of one (1) continuing education hour;
- (5) Attendance shall be recorded by the program's sponsor;
- (6) Documentation of completion shall be provided to the participant;
- (7) A participant shall complete an evaluation of the program.

Section 7. Equivalencies.

- (1) A graduate-level psychology course taken at an accredited academic institution shall earn continuing education hours on the following basis:



- (a) Each one (1) hour semester course shall be the equivalent of fifteen (15) continuing education hours for the purposes of meeting the requirements of this administrative regulation; and
  - (b) Each one (1) hour quarter course shall be the equivalent of nine (9) continuing education hours for the purposes of meeting the requirements of this administrative regulation.
- (2) A person who teaches a three (3) hour semester or quarter graduate-level course in psychology at an accredited academic institution shall:
  - (a) Earn six (6) continuing education hours for teaching the course; and
  - (b) Not receive:
    - 1. Credit more than once for teaching a particular course during a renewal period; and
    - 2. More than nine (9) total continuing education hours for these teaching activities.
- (3) A person who teaches an approved continuing education workshop or program shall:
  - (a) Earn continuing education hours on a one (1) to one (1) basis; and
  - (b) Not receive:
    - 1. Credit more than once for teaching a particular workshop or program during a renewal period; and
    - 2. More than nine (9) total continuing education hours for these teaching activities.
- (4) A person who completes home study or internet-based courses shall not receive:
  - (a) Credit for repeating a specific study course during a renewal period; and
  - (b) More than twelve (12) total continuing education hours through home study or internet-based courses in a renewal period.
- (5) A person who participates in videoconferencing in an interactive setting shall:
  - (a) Earn one (1) continuing education hour for each clock hour of participation; and
  - (b) Not receive more than twenty-four (24) continuing education hours through interactive videoconferencing participation. (20 Ky.R. 676; Am. 940; eff. 10-21-93; 24 Ky.R. 1127; 1664; eff. 2-17-98; 28 Ky.R. 1472; 1812; eff. 2-7-2002; 31 Ky.R. 1007; 1511; eff. 3-8-05; 37 Ky.R. 1523; eff. 3-4-2011.)

**201 KAR 26:180. Requirements for granting licensure as a psychologist by reciprocity.**

RELATES TO: KRS 319.032(1)(i)

STATUTORY AUTHORITY: KRS 319.032(1)(i)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(i) requires the board to promulgate an administrative regulation governing the granting of a license through reciprocity. This administrative regulation establishes the requirements for licensure as a psychologist by reciprocity.

Section 1. The board shall issue a license to an applicant who qualifies for a license as a psychologist pursuant to an agreement of reciprocity entered into by the board of this jurisdiction with the board or boards of any other jurisdiction or multiple jurisdictions.

Section 2. The applicant for licensure as a psychologist by reciprocity shall:

- (1) Hold a current valid license in good standing to practice psychology which has been granted by at least one (1) state or the District of Columbia or a Canadian province which maintains a psychology registration board:
  - (a) That is a constituent member of the Association of State and Provincial Psychology Boards (ASPPB); and
  - (b) With whom this board has an agreement of reciprocity;
- (2) Have a minimum of five (5) years of full-time practice or its equivalent as determined by the board in the other jurisdiction; and

- (3) Has not been disciplined by any licensure board.

Section 3. The board shall conduct a face-to-face examination of an applicant for licensure by reciprocity. The applicant shall demonstrate an acceptable level of knowledge of Kentucky mental health law.

Section 4. An applicant for licensure with the health service provider designation shall comply with KRS 319.050(7).

Section 5. If an applicant for licensure with the health service provider designation does not have an additional 1,800 hours of supervised experience as required by KRS 319.050, the board may determine that the applicant's practice experience is equivalent to the required year of experience.

Section 6. A person holding the Certificate of Professional Qualification in Psychology (CPQ) issued by the (ASPPB) or a successor organization or a person who holds a certificate from the National Register of Health Service Providers in Psychology or a successor organization and has a minimum equivalent of five (5) years of full-time practice at the independent level and has had no disciplinary action taken by a licensure board or on record in the ASPPB date base shall:

- (1) Be deemed to meet the qualifications for licensure by reciprocity as established in this administrative regulation; and
- (2) Upon meeting the requirements established in Section 3 of this administrative regulation, shall be granted a license with the health service provider designation. (13 Ky.R. 2166; eff. 7-2-87; Am. 20 Ky.R. 587; eff. 10-21-93; 24 Ky.R. 1129; 1666; eff. 2-17-98; 25 Ky.R. 407; 823; eff. 9-16-98; 28 Ky.R. 1474; 1813; eff. 2-7-2002; 31 Ky.R. 1009; eff. 3-8-05; 37 Ky.R. 1527; 1982; eff. 3-4-2011.)

**201 KAR 26:185. Requirements for granting licensure as a psychologist to an applicant licensed in another state.**

RELATES TO: KRS 319.032(1)(i)

STATUTORY AUTHORITY: KRS 319.032(1)(i)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(i) requires the board to promulgate an administrative regulation governing the granting of a license as a psychologist to an applicant from another jurisdiction. This administrative regulation establishes the requirements for granting a license to an applicant who is licensed in another state that does not have an agreement of reciprocity with this board.

**Section 1.**

- (1) The board shall consider an applicant for licensure in psychology in Kentucky who:
  - (a) Is licensed in another state that does not have an agreement of reciprocity with the Kentucky Board of Examiners of Psychology;
  - (b) Holds a current valid license or certificate, in good standing, to practice psychology that has been granted by:
    1. At least one (1) state;
    2. The District of Columbia; or
    3. A Canadian province that maintains a psychology registration board that is a constituent member of the Association of State and Provincial Psychology Boards (ASPPB);
  - (c) Has a minimum of five (5) years of full-time practice or its equivalent as determined by the board in the other jurisdiction; and
  - (d) Has not been disciplined by any psychology licensure board.
- (2) The board shall consider if the applicant meets the requirements established in KRS 319.050(2). If an applicant for licensure does not have the supervised experience as required by KRS

319.050(2)(d), the board may determine that the applicant's practice experience is equivalent to the required supervised experience.

- (3) An applicant for licensure as a psychologist shall:
  - (a) Submit to the Examination for Professional Practice in Psychology (EPPP):
    - 1. Developed by the ASPPB examination contractor; and
    - 2. Owned by the ASPPB; and
  - (b) Obtain a computerized EPPP scaled score of 500 or greater. The board shall accept the applicant's previous examination results for the national EPPP examination if the original test scores satisfied the doctoral licensure requirement as to criterion level at the time of that examination.
- (4) The board shall review the applicant's:
  - (a) Record as to complaints or hearings held in previous jurisdictions; and
  - (b) Professional references.

Section 2. An applicant for licensure as a psychologist shall submit to a structured examination on Kentucky mental health law.

Section 3. In addition to demonstrating an acceptable level of knowledge of Kentucky mental health law, an applicant for licensure as a psychologist shall submit to a structured oral examination on ethical principles and professional practice administered by two (2) licensed psychologists.

- (1) Each examiner shall independently rate the applicant's performance.
- (2) The applicant shall demonstrate an acceptable level of knowledge in each of the areas in order to pass the examination.
- (3) An applicant who receives a pass rating from the two (2) examiners shall have successfully passed the oral examination and shall be eligible to be granted a license as a licensed psychologist. (20 Ky.R. 677; Am. 941; eff. 10-21-93; 24 Ky.R. 1130; 1666; eff. 2-17-98; 28 Ky.R. 1475; 1813; eff. 2-7-2002; 37 Ky.R. 1527; 1982; eff. 3-4-2011.)

**201 KAR 26:190. Requirements for supervised professional experience.**

RELATES TO: KRS 319.050, 319.053, 319.056, 319.064

STATUTORY AUTHORITY: KRS 319.032, 319.050(2)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.050(2)(d) requires an applicant for licensure as a psychologist to have at least two (2) years of supervised professional experience. This administrative regulation establishes those requirements.

Section 1. Supervisory Requirements for an Applicant for Licensure as a Psychologist.

- (1) The applicant for licensure as a psychologist with the authorization to provide psychological health care services shall have completed the equivalent of two (2) years of supervised professional experience in accordance with this administrative regulation.
- (2) One (1) year of the supervised professional experience shall be a predoctoral internship of 1,800 hours with at least 100 hours of supervisory sessions.
- (3) The other 1,800 hours of supervised experience may be predoctoral, postdoctoral, or a combination of pre- and post-doctoral supervised professional experience acceptable to the board.
- (4) Supervised experience earned in the doctoral training program shall consist of practica, field placement, or other professional experiences not including the beginning courses and accompanying practica in assessment and treatment techniques.
- (5) At least fifty (50) percent of the supervised professional experience shall be in service-related activities, such as treatment, assessment, interviews, report-writing, case presentations, and consultations.

- (6) For the 1,800 hours of supervised experience earned in the doctoral training program, there shall be a minimum of 100 hours of supervisory sessions. At least seventy-five (75) percent of these supervisory sessions (seventy-five (75) hours) shall be done with a licensed psychologist supervisor, at least one-third (1/3) of which (twenty-five (25) hours) shall be conducted in an individual, face-to-face format. The other twenty-five (25) percent of the supervisory sessions (twenty-five (25) hours) may be done with a licensed mental health professional. Of the total supervision hours, no more than fifty (50) percent (fifty (50) hours) shall be done via secure interactive videoconferencing.
- (7) If the supervised experience earned in the doctoral training program does not meet the 1,800 hour requirement, additional supervised professional experience satisfactory to the board may be earned with supervision by a board-approved licensed psychologist of a minimum of one (1) hour individual, face-to-face supervision on a weekly basis.

Section 2. For a person applying for licensure as a psychologist to provide psychological health care services the predoctoral internship shall meet the following criteria:

- (1) The experience shall occur within an organized training program, in contrast to supervised experience or on-the-job training and have a planned, programmed sequence of training experiences;
- (2) The training program shall have a clearly designated staff psychologist who shall be:
  - (a) Responsible for the integrity and quality of the training program;
  - (b) Actively licensed by the Board of Examiners in Psychology; or
  - (c) Licensed at the doctoral level by the State Board of Examiners in the state in which the training program exists or otherwise meets the standards of applicable state law; and
  - (d) For school psychology doctoral internships, the responsible psychologist director may be from an affiliate agency or from the university training program.
- (3) Internship supervision shall be provided by a staff member of the internship agency or by an affiliate of that agency who has clinical responsibility for the cases being supervised. At least half of the internship supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree;
- (4) The internship shall provide training in a range of assessment and treatment activities conducted directly with clients seeking psychological services;
- (5) At least twenty-five (25) percent of the trainee's time shall be in direct client contact;
- (6) The internship shall include a minimum of two (2) hours per week of regularly scheduled, formal, face-to-face individual supervision. There shall also be at least two (2) additional hours per week in learning activities such as case conferences, seminars dealing with clinical issues, and group supervision;
- (7) Training shall be postclerkship, postpracticum, and postexternship level;
- (8) The internship shall have a written statement or brochure that describes the goals and content of the internship, stated clear expectations for quality and quantity the of trainee's work and shall be made available to prospective interns;
- (9) The internship experience shall be completed within twenty-four (24) months;
- (10) The trainee has a title such as "intern", "resident," "fellow," or other designation of trainee status; and
- (11) The internship agency, preparing institution, and intern have a written agreement that describes the goals and content of the internship including clearly stated expectations for the nature of experiences offered in the agency and for the quantity and quality of the work.

Section 3. Additional Required Supervisory Experience.

- (1) For a person applying for licensure as a psychologist to provide psychological health care services, the 1,800 hours of supervised professional experience in addition to the internship required by KRS 319.050(2)(d) shall be a training-oriented professional experience that may

- include course-related field experience and practica, not to include the beginning courses and practica in assessment and treatment techniques.
- (2) In addition to training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services, the supervised professional experience shall include a planned and organized sequence of activities that includes explicit training and supervision in the following areas:
- (a) Clinical skill development;
  - (b) Legal and regulatory issues;
  - (c) Ethical dilemmas and issues; and
  - (d) Supervisory skill development.
- (3) During the 1,800 hours of supervised professional experience in addition to the internship, the candidate shall:
- (a) Be under supervision as required by 201 KAR 26:171; and
  - (b) Be providing psychological health care services under the supervision of a licensed psychologist or other licensed mental health professional approved by the doctoral training program who is affiliated with the training program or with the practice setting:
    - 1. In a:
      - a. Health care facility or agency;
      - b. Regional mental health or mental retardation board;
      - c. School, college, or university;
      - d. Government agency;
      - e. Independent practice; or
      - f. In a formalized postdoctoral internship program.
- (4) The applicant and the supervisor of record shall design and describe the proposed experience, including the areas listed in subsection (2) of this section.
- (5) If the supervised professional experience in addition to the internship is in an independent practice, a special application letter shall affirm:
- (a) The identity of the applicant, supervisor, and employer; and
  - (b) That the supervising licensed psychologist is not hired, employed, or engaged under contract by the applicant and shall not be terminated by the applicant;
  - (c) That the applicant is not one (1) of the owners of the independent practice or organization, but rather serves as an employee; and
  - (d) That the applicant has both administrative and clinical supervision that shall be provided by the independent practice or employer.
- (6) If the supervised experience is in a university setting, the application shall also:
- (a) Be proffered by a full-time faculty member;
  - (b) Include a plan that contains each of the areas established in subsection (2) of this section; and
  - (c) Include a minimum of 400 hours of direct and indirect client involvement that:
    - 1. Is supervised by a licensed psychologist; and
    - 2. Includes:
      - a. Supervising student clinical work;
      - b. Diagnostic and interviewing activity that occurs within clinical research projects; or
      - c. Clinical work in the context of teaching psychotherapy, interviewing, or psychological testing.
- (7) The board shall not grant a request for temporary licensure if the request does not contain an explicit and acceptable plan for the supervised experience as required by this section.

Section 4. A licensed psychologist applying for health service provider designation shall complete, in addition to the supervised professional experience requirement for licensure as a licensed psychologist,

1,800 hours of supervised experience within one (1) or more health care settings in which the psychologist delivered direct psychological health care services. Supervision shall be provided by a licensed psychologist approved by the board and shall consist of one (1) hour of individual supervision each week.

Section 5. An applicant for licensure as a psychological associate shall complete supervised experience consisting of course-related field experience, practica, and formal internships adding up to a minimum of 600 supervised hours that shall meet the following criteria:

- (1) The experience shall occur within an organized training program, and consist of a planned, programmed sequence of training experiences;
- (2) The preparing institution's psychology training program shall have a clearly-designated placement director who shall be responsible for the integrity and quality of the experiential component of the training program;
- (3) Weekly practicum and internship supervision shall be provided by a staff member of the placement agency, by an affiliate of that agency, or by a university faculty member. At least half of the supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree and license;
- (4) Field experiences, practica, and internships shall provide training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services;
- (5) At least twenty-five (25) percent of the trainee's time shall be in direct client contact;
- (6) The preparing institution shall maintain a written statement or brochure describing the goals and content of the required field experiences, practica, and internships.
- (7) Students participating in university-sanctioned supervised experience shall be clearly identified to clients and payors as trainees.

Section 6. An applicant for licensure as a psychological practitioner shall complete the equivalent of five (5) full-time years of psychological practice under the direct supervision of a licensed psychologist approved by the board, consistent with the requirements of 201 KAR 26:171.

- (1) For purposes of this requirement, a candidate shall complete the equivalent of five (5) full-time years of supervised experience from the date of initial credentialing as a psychological associate, with a full-time year comprising at least 1800 hours of supervised professional experience.
- (2) A school psychologist who is employed in a Kentucky school system, credentialed by the Professional Standards Board, and also credentialed as a psychological associate by this board, may contract for on-going clinical supervision in the school setting with a board-approved licensed psychologist who is neither an employee nor a contractor of the school system.
  - (a) The supervised professional experience shall meet the conditions of this administrative regulation and may be used by the licensed psychological associate employed by the school system to meet the requirements for application to become a licensed psychological practitioner.
  - (b) To fulfill the requirements of 201 KAR 26:171, there shall be an explicit written plan approved by the board between the school system, the school psychologist, and the board-approved supervisor that delineates roles and responsibilities, not restricting the ability of the school district to direct or control the activities of its employee;
  - (c) A person trained in school psychology, if employed by an agency other than a public school or engaged in practice outside of the school setting, shall obtain clinical supervision in the manner specified by 201 KAR 26:171. (13 Ky.R. 2166; eff. 7-2-87; Am. 15 Ky.R. 1681; eff. 3-10-89; 20 Ky.R. 588; 942; eff. 10-21-93; 28 Ky.R. 1476; 1814; eff. 2-7-2002; 31 Ky.R. 1010; 1512; eff. 3-8-05; 37 Ky.R. 1529; 1983; eff. 3-4-11.)

**201 KAR 26:200. Definitions of terms used by the Board of Examiners of Psychologists for meeting educational requirements for licensure as a licensed psychologist.**

RELATES TO: KRS 319.050

STATUTORY AUTHORITY: KRS 319.032, 319.050(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.050(2)(b) requires that to obtain licensure, a psychologist shall have a doctoral degree in psychology from a regionally accredited educational institution. This administrative regulation defines terms as they relate to licensed psychologists.

Section 1. A doctoral degree in psychology acceptable to the board shall:

- (1) Be from a recognized institution of higher learning as defined in this administrative regulation;
- (2) Be clearly identified by the granting institution as a psychology program wherever the program may be administratively housed;
- (3) Be specified in pertinent institutional catalogs and brochures as intended to educate and train professional psychologists;
- (4) Require a dissertation for the degree as psychological in method and content and an expected product of doctoral training in psychology;
- (5) Stand as a recognizable, coherent, organized entity within the institution;
- (6) Require within the psychology faculty clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
- (7) Be an integrated, organized sequence of study;
- (8) Require an identifiable psychology faculty and a psychologist responsible for the program;
- (9) Require an identifiable body of students who are matriculated in that program for a degree; and
- (10) Require in areas of training for psychologists who deliver or supervise psychological health services,, the program includes educational experiences with titles such as practicum, internship, or field training.

Section 2.

- (1) In determining the acceptability of curricular experiences and course work, the following factors shall be considered:
  - (a) The curriculum shall encompass a minimum of three (3) academic years of full-time graduate study.
  - (b) A minimum of one (1) full academic year shall be spent in residence at the institution.
  - (c) In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following content areas. This shall be met by including a minimum of three (3) or more graduate semester hours (five (5) or more graduate quarter hours) in each of these four (4) areas:
    1. Biological bases of behavior, including the subject matters of physiological psychology, comparative psychology, neuropsychology, sensation and perception, and psychopharmacology;
    2. Cognitive-affective bases of behavior, including the subject matters of learning, thinking, motivation, and emotion;
    3. Social bases of behavior, including the subject matters of social psychology, group process and organizational psychology and systems;
    4. Individual differences, including the subject matters of personality theory, human development, and abnormal psychology.
  - (d) In addition to the core program, the curriculum shall include appropriate coursework in accordance with Section 2(1) of this administrative regulation in the specialty area of training. For candidates who seek to deliver or supervise psychological health services, that training shall include specific training in diagnosis, psychological testing, and

assessment of individual differences and the design and implementation of appropriate intervention techniques, such as psychotherapy, counseling, and consultation.

- (2) At the discretion of the board, any deficiency in course work or other requirements may be corrected by appropriate remedial work.

Section 3. A regionally accredited educational institution means accreditation by any one (1) of the following: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, North Central Association of Colleges and Schools, North Western Association of Schools and Colleges, and Western Association of Schools and Colleges.

Section 4. Accreditation means accreditation by one (1) of the aforementioned associations at Level 4 (doctoral degree granting accreditation) or at Level 5 (graduate or professional degree granting accreditation). (8 Ky.R. 33; eff. 8-5-81; Am. 11 Ky.R. 1447; eff. 5-14-85; 13 Ky.R. 239; eff. 9-4-86; 14 Ky.R. 30; eff. 9-10-87; 15 Ky.R. 1682; eff. 3-10-89; 28 Ky.R. 1478; 1815; eff. 2-7-2002; 37 Ky.R. 1532; 1984; eff. 3-4-2011.)

**201 KAR 26:210. Definitions of terms used by the Board of Examiners of Psychologists for meeting educational requirements for licensure as a licensed psychological associate.**

RELATES TO: KRS 319.064

STATUTORY AUTHORITY: KRS 319.032

NECESSITY, FUNCTION, AND CONFORMITY: Certain terms are used in the statute regulating educational requirements for applicants for a credential. This administrative regulation defines those terms as they relate to licensed psychological associates.

Section 1. Educational Requirements.

- (1) A master's degree from a recognized institution of higher learning in this administrative regulation;
- (2) The program, wherever it may be administratively housed, is clearly identified by the granting institution as a psychology program. The program shall specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists;
- (3) Any thesis required for the degree is psychological in method and content and an expected product of master's training in psychology;
- (4) The program stands as a recognizable, coherent, organized entity within the institution;
- (5) Within the psychology faculty there is clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines;
- (6) The program is an integrated, organized sequence of study;
- (7) There is an identifiable psychology faculty and a psychologist responsible for the program;
- (8) The program has an identifiable body of students who are matriculated in that program for a degree; and
- (9) The program includes educational experiences with titles such as practicum, internship or field training. This accumulated experience must be supervised by a doctoral-level psychologist and shall equal 600 hours.

Section 2.

- (1) In determining the acceptability of curricular experiences and course work, the following factors shall be considered:
  - (a) The curriculum shall encompass a minimum of forty-five (45) semester hours of graduate study.
  - (b) In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student



to demonstrate competence in each of the following content areas. This typically will be met by including a minimum of three (3) or more graduate semester hours (five (5) or more graduate quarter hours) in each of these four (4) areas:

1. Biological bases of behavior, including the subject matters of physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.
  2. Cognitive-affective bases of behavior, including the subject matters of learning, thinking, motivation, emotion.
  3. Social bases of behavior, including the subject matters of social psychology, group process, organizational psychology and systems.
  4. Individual differences, including the subject matters of personality theory, human development, abnormal psychology.
- (c) In addition to the core program, the curriculum shall include appropriate course work as determined by the board in the specialty area of training including specific training in diagnosis and assessment of individual/ organizational differences and the design and implementation of appropriate intervention technique, e.g. psychotherapy, counseling, consultation, etc.
- (2) The applicant shall provide any documentation required by the board in the manner and form prescribed by the board to confirm compliance with or satisfaction of the requirements of this law.
- (3) At the discretion of the board, any deficiency in course work or other requirements may be corrected by appropriate remedial work.

Section 3. A regionally accredited educational institution means accreditation by any one (1) of the following: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, North Central Association of Colleges and Schools, North Western Association of Schools and Colleges, and Western Association of Schools and Colleges.

Section 4. Accreditation means accreditation by one (1) of the aforementioned associations at Level 3 (master's degree granting accreditation). (14 Ky.R. 313; eff. 9-10-87; Am. 15 Ky.R. 1683; eff. 3-10-89; 28 Ky.R. 1479; 1816; eff. 2-7-2002.)

**201 KAR 26:215. Nonresident status.**

RELATES TO: KRS 319.015(8)

STATUTORY AUTHORITY: KRS 319.015(8), 319.032(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.015(8) authorizes a nonresident psychologist temporarily employed in the state to render psychological services for no more than thirty (30) days every two (2) years and requires the board to establish a registration process for nonresident psychologists. This administrative regulation establishes the requirements for registering in Kentucky as a nonresident psychologist.

Section 1.

- (1) A nonresident psychologist temporarily employed in the state may render psychological services for no more than thirty (30) days every two (2) years immediately upon notification of the board that the nonresident psychologist:
- (a) Holds the Interjurisdictional Practice Certificate (IPC) issued by the Association of State and Provincial Psychology Boards (ASPPB) or a successor organization; or
  - (b) Holds the Certificate of Professional Qualification (CPQ) issued by ASPPB or a successor organization; or

- (c) Is board-certified by the American Board of Professional Psychology (ABPP) or a successor organization; or
- (d) Is licensed in a jurisdiction with whom this Board has established reciprocity.
- (2) A nonresident psychologist temporarily employed in the state may render psychological services no more than thirty (30) days every two (2) years with the approval of the board if the nonresident psychologist is duly licensed in a jurisdiction not established as having reciprocity with the board and holds none of the qualifications described in subsection (1) of this section.

Section 2. Pursuant to KRS 319.015(8), a nonresident licensee holder who seeks to practice temporarily in Kentucky shall file a written registration with the board. The registration shall be a written letter sent to the board:

- (a) Indicating his or her desire to practice in Kentucky pursuant to KRS 319.015(8); and
- (b) Stating the dates he or she intends to practice in Kentucky.
- (2) Board approval shall be contingent upon:
  - (a) Receipt of documentation that the nonresident psychologist holds a valid license in good standing from another jurisdiction; and
  - (b) Confirmation that the applicant does not have a report of disciplinary action filed with the Association of State and Provincial Psychology Boards.
- (3) (a) Nonresident temporary practice pursuant to KRS 319.015(8) shall be conditionally approved by the chair of the board if:
  - 1. The applicant for temporary practice meets the conditions for practice established by KRS 319.015(8); and
  - 2. The applicant has registered with the board.
- (b) The conditional approval shall terminate at the next regularly scheduled meeting of the board. At that meeting, the board shall determine whether to approve the temporary practice.

Section 3. Upon the completion of the authorized temporary employment period, the nonresident license holder shall submit a written report to the board of each date on which psychological services were rendered in this state, and the location of the site of those services.

Section 4. For purposes of this administrative regulation, the provision of psychological services on a given date, regardless of the period of time of those services, shall constitute one (1) day.

Section 5. Pursuant to KRS 319.015(8), the provisions of this administrative regulation shall:

- (1) Apply to a nonresident psychologist temporarily employed in the state for a period of fewer than thirty (30) days every two (2) years; and
- (2) Not be used to begin practice in Kentucky by an applicant for temporary or regular licensure pending credentials review.

Section 6. A person licensed to practice psychology in another jurisdiction may practice psychology by electronic or telephonic means in Kentucky if he or she registers with the board and receives board approval for this practice. A person seeking this approval shall follow the provisions set forth in Sections 1 through 4 of this administrative regulation.

Section 7. A person licensed to practice psychology in another jurisdiction and who is providing service in response to a declared disaster pursuant to an agreement between the American Red Cross and the American Psychological Association's Disaster Response Network may begin practice in Kentucky upon notification to the board.

Section 8. A person practicing pursuant to the provisions of KRS 319.015(8) shall be subject to the provisions of KRS 319.082 and 201 KAR 26:145. (20 Ky.R. 678; Am. 944; eff. 10-21-93; 24 Ky.R. 1131; 1667; eff. 2-17-98; 25 Ky.R. 408; eff. 9-16-98; 28 Ky.R. 1480; eff. 2-7-2002; 37 Ky.R. 1533; eff. 3-4-2011.)

**201 KAR 26:230. Examinations.**

RELATES TO: KRS 319.032(1)(a), 319.050, 319.053, 319.064

STATUTORY AUTHORITY: KRS 319.032(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) requires the board to promulgate an administrative regulation establishing the examination requirements for an applicant for licensure.

KRS 319.050(1) and 319.064(1)(c) require an applicant to successfully complete the required examination prior to licensure. This administrative regulation establishes the examination requirements.

**Section 1.**

- (1) The national examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards (ASPPB) examination contractor and owned by the ASPPB.
  - (a) The EPPP shall be taken by computer administration.
  - (b) The board shall submit to the ASPPB examination contractor a list of applicants eligible to sit for the examination.
- (2) The structured examinations shall cover Kentucky mental health law, ethical principles, and professional practice.

**Section 2. General Requirements.**

- (1) An applicant for examination shall:
  - (a) Submit a completed application as required by 201 KAR 26:155, Section 1 or 26:280, Section 1; and
  - (b) Pay the applicable fee established in 201 KAR 26:160.
- (2) The applicant shall sit for the national (EPPP) examination within one (1) year of the notice of the application being approved by the board. An applicant may sit for the national (EPPP) examination at any approved ASPPB examination contractor testing center in the United States, U.S. Territories and Canada, but shall register and apply for licensure in only one (1) jurisdiction.
- (3) If an applicant loses eligibility to sit for the national (EPPP) examination because of failure to reschedule, cancel or appear to take the examination as stated in subsection (2) of this section:
  - (a) The applicant shall forfeit all fees paid; and
  - (b) Any temporary license issued to the applicant shall be terminated.

**Section 3. Examination for Licensure as a Licensed Psychologist.**

- (1) The applicant shall pass:
  - (a) The national (EPPP) examination in accordance with subsection (2) of this section; and
  - (b) The structured examinations on Kentucky mental health law, ethical principles, and professional practice.
- (2) The applicant shall obtain an EPPP scaled score of 500 or greater or shall have obtained a previous national EPPP passing score which satisfied the doctoral licensure requirement as to criterion level at the time of that examination. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.
- (3) If an applicant for licensure as a licensed psychologist fails the national (EPPP) examination, the candidate shall reapply to the board, pay the appropriate fee to the ASPPB examination contractor and be deemed eligible by the board to be permitted to sit again for the national (EPPP) examination.

- (a) The candidate shall continue to function under the supervision of the board-approved supervisor until:
  - 1. The national (EPPP) examination and structured examinations on Kentucky mental health law, ethical principles, and professional practice are successfully completed; or
  - 2. The temporary license is terminated.
- (b) The applicant for licensure as a licensed psychologist shall not be scheduled for the examination on Kentucky mental health law until the national (EPPP) examination has been successfully passed and the board has determined that the requirements for supervised experience for licensure as a licensed psychologist have been met..
- (4) In addition to demonstrating an acceptable level of knowledge of Kentucky mental health law, an applicant for licensure as a licensed psychologist shall submit to a structured oral examination administered by two (2) licensed psychologists approved by the board. The structured oral examination shall not be required for an applicant who holds a Certificate of Professional Qualification in Psychology (CPQ) issued by the ASPPB or a successor organization or is board-certified by the American Board of Professional Psychology (ABPP) or a successor organization or holds a current license in good standing from a jurisdiction with a reciprocity agreement with this board.
  - (a) This structured oral examination shall cover ethical principles and professional practice. The applicant shall demonstrate an acceptable level of knowledge in each of the areas in order to pass the examination.
  - (b) Each examiner shall independently rate the applicant's performance.
  - (c) An applicant who receives a pass rating from each of the examiners shall have successfully passed the structured oral examination.
- (5) If the applicant fails the first structured oral examination, the applicant may reapply with a remediation plan.
  - (a) Upon completion of the remediation plan approved by the board, the applicant shall be administered a structured oral examination by a second team composed in the same manner as the first team.
  - (b) If the second structured oral examination is failed, the applicant may reapply with a remediation plan approved by the board.
  - (c) Upon completion of the approved remediation plan, the applicant shall be administered a structured oral examination by a team of the licensed psychologist members of the board and appointed examiners as needed.
  - (d) A majority of the examining team shall rate the applicant as having passed or failed the structured oral examination on ethical principles and professional practice.
- (6) If the applicant for licensure as a licensed psychologist fails to pass the structured oral examination, and wishes to apply to be credentialed as a licensed psychological associate, a completed application and the appropriate fee, as required by 201 KAR 26:160, shall be submitted. The board shall accept the applicant's previous examination results to satisfy the requirements as to criteria level.

#### Section 4. Examination for Licensure as a Licensed Psychological Practitioner.

- (1) The applicant shall pass:
  - (a) A national (EPPP) examination unless the applicant's previous examination results for the national (EPPP) examination satisfied the doctoral licensure requirement as to criterion level at the time of that examination; or
  - (b) The applicant shall obtain a computerized national (EPPP) scaled score of 500 or greater. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.

- (2) Pursuant to KRS 319.050(3), an applicant for licensure as a licensed psychological practitioner who has been approved to sit for the national (EPPP) examination shall continue to be supervised until all requirements for licensure as a licensed psychological practitioner have been completed.
- (3) If an applicant for licensure as a licensed psychological practitioner fails to obtain a scaled score of 500 or greater on the EPPP examination, the candidate may reapply to the board, pay the appropriate fee to the ASPPB examination contractor and be permitted to sit for the national (EPPP) examination again.
- (4) The applicant for licensure as a licensed psychological practitioner shall not be scheduled for the examination on Kentucky mental health law until the national (EPPP) examination has been successfully passed and the required five (5) years of supervised experience or its equivalent have been approved by the board.
- (5) In addition to demonstrating an acceptable level of knowledge of Kentucky mental health law, an applicant for licensure as a licensed psychological practitioner shall submit to a structured oral examination administered by an examination team consisting of at least one (1) licensed psychologist and either a certified psychologist with autonomous functioning or a licensed psychological practitioner.
  - (a) This structured oral examination shall cover ethical principles and professional practice. The applicant shall demonstrate an acceptable level of knowledge in each of the areas in order to pass the examination.
  - (b) Each examiner shall independently rate the applicant's performance, using the same criteria as the structured oral examination for licensed psychologist candidates.
  - (c) An applicant who receives a pass rating from each of the examiners shall have successfully passed the structured oral examination.
- (6) If the applicant fails the first structured oral examination, the applicant may reapply and shall be administered a structured oral examination by a second team composed in the same manner as the first team.
- (7) If the applicant fails the second oral examination, the applicant may reapply and shall be administered a structured oral examination by a team of the licensed members of the board and appointed examiners as needed. A majority of the examining team shall rate the applicant as having passed the examination.

#### Section 5. Examination for Licensure as a Psychological Associate.

- (1) The applicant shall:
  - (a) Obtain a national (EPPP) scaled score of 400 or greater; or
  - (b) Have obtained an EPPP passing score for licensure at the master's level in effect at the time of the applicant's previous national (EPPP) examination.
  - (c) The applicant shall be notified by the board of the score, as well as of passing or failing the examination.
- (2) Pursuant to KRS 319.064(3), an applicant for licensure as a licensed psychological associate who has been approved to sit for the national (EPPP) examination and whose supervisory arrangement has been approved by the board shall be considered to be functioning under a temporary license.
- (3) If an applicant for licensure as a psychological associate fails the national (EPPP) examination, the applicant shall:
  - (a) File a remediation plan, cosigned by the supervisor within thirty (30) days of notice of failure; and
  - (b) Be eligible to retake the national (EPPP) examination upon approval of the plan by the board. (14 Ky.R. 528; eff. 10-2-87; Am. 15 Ky.R. 1685; eff. 3-10-89; 24 Ky.R. 1132; 1667; eff. 2-17-98; 28 Ky.R. 1481; 1817; eff. 2-7-2002; 31 Ky.R. 1012; 1514; eff. 3-8-05; 37 Ky.R. 1535; 1985; eff. 3-4-2011.)

**201 KAR 26:250. Employment of a psychological associate.**

RELATES TO: KRS 319.032(1)(b), (l), 319.064(5)

STATUTORY AUTHORITY: KRS 319.032(1)(b), (l)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(l) requires the board to promulgate an administrative regulation governing the supervision and employment of a licensed psychological associate. KRS 319.064(5) prohibits a licensed psychological associate from practicing independently, except under the employment and supervision of a board approved licensed psychologist. This administrative regulation establishes the requirements for the employment of a licensed psychological associate.

Section 1. Employment of a licensed psychological associate by a regional mental health/mental retardation board, college or university, or government agency shall not be considered independent practice.

Section 2. A licensed psychological associate may be employed in a supervisor's independent practice, if the supervisor is responsible for the direction and control of the practice of the licensed psychological associate.

Section 3. A special application shall:

- (1) Be submitted to the board by the supervisor of record and a licensed psychological associate if:
  - (a) 1. The licensed psychological associate is employed in an independent practice; and
  2. The supervisor of record is not the employer; or
  - (b) The employer is not an organization listed in Section 1 of this administrative regulation;
- (2) Be approved by the board before the practice begins;
- (3) Identify the licensed psychological associate, supervisor, and employer; and
- (4) Certify that:
  - (a) The supervising licensed psychologist is not hired, employed or engaged under contract by the licensed psychological associate and shall not be terminated by the licensed psychological associate;
  - (b) The licensed psychological associate is not one of the owners of the independent practice or organization, but rather serves as an employee; and
  - (c) The licensed psychological associate has both administrative and clinical supervision which are provided by the independent practice or organization.
- (5) The arrangement described in the application shall be approved by the board before the practice begins.

Section 4. A licensed psychological associate who works as an employee for more than one (1) independent practice or organization shall obtain approval from the board of a supervisor of record for each independent practice or organization and shall comply with 201 KAR 26:171 for approval to have more than two (2) supervisors of record.

Section 5. In all communications and advertising with the public, the licensed psychological associate's relationship with the employer and the supervisor shall be clearly indicated.

Section 6. The licensed psychological associate and the supervisor shall comply with the requirements for supervision established in 201 KAR 26:171.

Section 7. Incorporation by Reference.

- (1) "Special Application/Employment of a Psychological Associate", (January 2002 edition), is incorporated by reference.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (24 Ky.R. 1182; Am. 1669; eff. 2-17-98; 28 Ky.R. 1484; 1819; eff. 2-7-2002.)

**201 KAR 26:270. Change of license status.**

RELATES TO: KRS 319.053, 319.056

STATUTORY AUTHORITY: KRS 319.032(1)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032 requires the board to promulgate administrative regulations to enable persons licensed by this board to change their license status upon completion of additional training and experience. This administrative regulation establishes procedures to enable license holders to change their license status.

**Section 1. Change of License Status to Licensed Psychologist.**

- (1) If a person holds a license as a certified psychologist with or without autonomous functioning, as a licensed psychological practitioner or as a licensed psychological associate and later completes the educational and supervised experience requirements to apply for licensed psychologist status, a new and complete application for licensure shall be submitted with an approved application fee as required by 201 KAR 26:155 and 26:160.
- (2) The board shall accept the applicant's previous examination results for the national (EPPP) examination if the original test score satisfied the doctoral licensure requirement as to criterion level at the time of that examination.
- (3) If the previous EPPP score does not satisfy the requirements of subsection (2) of this section, the applicant shall successfully complete the national (EPPP) examination as described in 201 KAR 26:230.
- (4) The structured examinations on Kentucky mental health law, ethical principles and professional practice shall be successfully completed by the applicant as described in 201 KAR 26:230, Section 4(5).

**Section 2. Change of License Status to Licensed Psychological Practitioner by Certified Psychologists with Autonomous Functioning.**

- (1) Persons holding a credential as a certified psychologist with autonomous functioning may continue to function with that title.
- (2) Any certified psychologist with autonomous functioning may notify the board in writing of their choice to permanently change their title to "licensed psychological practitioner".
- (3) The board shall then issue a new license with that title.

**Section 3. Change of License Status to Licensed Psychological Practitioner by Certified Psychologists and Psychological Associates.**

- (1) If a person holds a credential as a certified psychologist without autonomous functioning or as a licensed psychological associate and later completes the educational and supervised experience requirements to apply for licensed psychological practitioner status, a new and complete application for licensure shall be submitted with an approved application fee as required by 201 KAR 26:155 and 201 KAR 26:160.
- (2) The board shall accept the applicant's previous examination results for the national (EPPP) examination if the original test score satisfied the doctoral licensure requirement as to criterion level at the time of that examination.
- (3) If the previous EPPP score does not satisfy the requirements of Section 1(2) of this administrative regulation, the applicant shall successfully complete the national (EPPP) examination as described in 201 KAR 26:230, Section 4(5).
- (4) The structured examinations on Kentucky mental health law, ethical principles, and professional practice shall be successfully completed by the applicant as described in 201 KAR 26:230.

**Section 4. Change of License Status to Licensed Psychological Associate by Certified Psychologists.**

- (1) Persons holding a license as a certified psychologist may continue to function with that title.

- (2) At the time of renewal of their license, any certified psychologist may notify the board in writing of their choice to permanently change their title to "licensed psychological associate".
- (3) The board shall then issue a new license with that title.

Section 5. Change of License Status to Licensed Psychological Associate by Certified Psychological Associates.

- (1) Persons holding a license as a psychological associate shall use the title licensed psychological associate.
- (2) The board shall issue a new license with that title. (28 Ky.R. 1518; Am. 1819; eff. 2-7-2002; 37 Ky.R. Am. 1537; 3-4-2011.)

**201 KAR 26:280. Licensed psychological associate: application procedures and temporary license.**

RELATES TO: KRS 319.064

STATUTORY AUTHORITY: 319.032(1)(a), (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychological associate. This administrative regulation establishes the requirements for applicants for licensure, and the conditions for a temporary license.

Section 1. Application.

- (1) An application for a credential to perform certain functions as a licensed psychological associate may be submitted after the requirements established in KRS 319.064(2) are met.
- (2) The application required by subsection (1) of this section shall be made by submitting a completed Form Psy-1, as incorporated in 201 KAR 26:155, to the board. The application shall:
  - (a) Include a certification by the applicant that the:
    1. Information in the application is true, correct, and complete to the best of his or her knowledge and belief; and
    2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification; and
  - (b) Be accompanied by:
    1. A check or money order payable to the Kentucky State Treasurer for the application fee as required by 201 KAR 26:160;
    2. Three (3) letters of reference from persons qualified to evaluate the applicant's professional ability, including two (2) persons who have received a doctorate in psychology (Ph.D. Psy.D., or Ed.D.); and
    3. An official transcript for all levels of education required for licensure.

Section 2. Temporary Licensure.

- (1) An applicant may request permission to perform functions as a licensed psychological associate on a temporary basis pursuant to KRS 319.064(3).
- (2) The request for a temporary credential shall be co-signed by the candidate and the proposed supervisor, who shall be a licensed psychologist approved by the board and who holds the health services provider designation.
- (3) The period of temporary licensure shall be terminated upon successful completion of all credentials and examination procedures or if the candidate fails to pass the EPPP within one (1) year of the date of the notice of approval by the board for a temporary license.

Section 3. Grace Period for Submission of Credentials. In order to allow for processing of the candidate's materials by the board, there shall be a grace period not to exceed sixty (60) days within which a



candidate who has completed his or her degree requirements may begin employment by an agency to practice psychology under supervision with a board-approved supervisor.

- (1) Upon acceptance of employment, the candidate and the licensed psychologist who shall serve as the supervisor shall immediately submit a letter of notice to the board indicating that he or she has begun to practice in Kentucky and that application materials are forthcoming. Failure to submit this notice may be deemed as grounds for disciplinary action against the candidate and the supervisor.
- (2) It is the responsibility of the candidate to ensure that all materials are forwarded to the board within thirty (30) days from the date of agency employment. Once the application is complete, the board shall review the material at its next scheduled meeting and, if appropriate, issue either a temporary or permanent credential. If the candidate does not meet the requirements for the credential, or if their application material is insufficient to take any action, he or she shall be directed to cease practice until the requirements are met.
- (3) The grace period shall not be extended beyond sixty (60) days. A candidate who fails to achieve approval within this timeframe shall not practice psychology until credentialed by the board.
- (4) Upon filing the notice set forth in subsection (1) of this section, the candidate is deemed to be practicing psychology under the jurisdiction of the board, and is subject to all relevant laws and regulations. (28 Ky.R. 1520; Am. 1820; eff. 2-7-2002; 31 Ky.R. 1014; 1515; eff. 3-8-05.)

**201 KAR 26:290. Licensed psychological practitioner: application procedures.**

RELATES TO: KRS 319.053

STATUTORY AUTHORITY: 319.032(1)(a), (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.053 requires the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychological practitioner. This administrative regulation establishes the requirements for applicants.

**Section 1. Application.**

- (1) An application for a license as a licensed psychological practitioner may be submitted on form Psy 1, as incorporated in 201 KAR 26:155, after the requirements established in KRS 319.053(1) are met.
- (2) The application shall:
  - (a) Include a certification by the applicant that the:
    1. Information in the application is true, correct, and complete to the best of his or her knowledge and belief;
    2. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification; and
  - (b) Be accompanied by:
    1. A check or money order payable to the Kentucky State Treasurer for the application fee as required by 201 KAR 26:160;
    2. Three (3) letters of reference from persons who are familiar with the clinical work of the applicant. One (1) letter shall be from the current board-approved supervisor of record outlining the candidate's scope of practice and the other two (2) letters shall be from licensed mental health professionals acceptable to the board; and
    3. An official transcript for all levels of education required for licensure.

**Section 2. Temporary Licensure.** Temporary credentials shall not be issued to persons applying for licensed psychological practitioner status. An applicant may continue to practice under board-approved supervision as a licensed psychological associate or as a certified psychologist pending successful completion of all requirements for a change of status to a licensed psychological practitioner.

- (1) The candidate shall obtain an acceptable score on the national (EPPP) examination as established in 201 KAR 26:230, Section 4.
- (2) The board shall accept the applicant's previous examination results for the national (EPPP) examination if the original test score satisfied the doctoral licensure requirement as to criterion level at the time of that examination.
- (3) The applicant shall pass the structured oral examinations on Kentucky mental health law, ethical principles, and professional practice established in 201 KAR 26:230, Section 4(5). (28 Ky.R. 1521; Am. 1820; eff. 2-7-2002; 31 Ky.R. 1015; 1516; eff. 3-8-05; 37 Ky.R. 1539; eff. 3-4-2011.)

**201 KAR 26:300. Educational requirements for licensure as a licensed psychological practitioner.**

RELATES TO: KRS 319.053

STATUTORY AUTHORITY: KRS 319.032

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.053(1)(f) requires an applicant for licensure as a licensed psychological practitioner to document at least sixty (60) hours of graduate study in psychology or a related field acceptable to the board. This administrative regulation establishes requirements for the hours of graduate study.

Section 1. Educational Requirements.

- (1) Graduate course work shall be related to psychological practice and may include independent study and distance learning. All graduate course work shall have been offered by a regionally accredited university meeting the standards described in Sections 2 and 3 of this administrative regulation. Continuing education credits shall not qualify to meet this requirement.
- (2) The applicant shall provide any documentation required by the board in the manner and form prescribed by the board to confirm compliance with or satisfaction of the requirements of this law.
- (3) At the discretion of the board, any deficiency in course work or other requirements may be corrected by appropriate remedial work.

Section 2. A regionally-accredited educational institution shall be accredited by any one (1) of the following: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, North Central Association of Colleges and Schools, North Western Association of Schools and Colleges, and Western Association of Schools and Colleges.

Section 3. Accreditation shall be by one (1) of the aforementioned associations at Level 3 (master's degree granting accreditation). (28 Ky.R. 1522; Am. 1821; eff. 2-7-2002.)

**201 KAR 26:310. Telehealth and telepsychology.**

RELATES TO: KRS 319.140, 29 U.S.C. 794(d)

STATUTORY AUTHORITY: KRS 319.032(2); KRS 319.140(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.140 requires a treating psychologist utilizing telehealth to ensure a patient's informed consent and to maintain confidentiality. This administrative regulation protects the health and safety of the citizens of Kentucky and establishes procedures for preventing abuse and fraud through the use of telehealth, prevents fee-splitting through the use of telehealth, and utilizes telehealth in the provision of psychological services and in the provision of continuing education.

Section 1. Definitions.

- (1) "Client" is defined by 201 KAR 26:145, Section 2;
- (2) "Telehealth" is defined by KRS 319.140(3);

- (3) "Telepsychology" means "practice of psychology" as defined by KRS 319.010(7) between the psychologist and the patient:
  - (a) Provided using an electronic communication technology; or
  - (b) Two (2) way, interactive, simultaneous audio and video.

Section 2. Client Requirements. A credential holder using telehealth to deliver psychological services or who practices telepsychology shall, upon initial contact with the client:

- (1) Make reasonable attempts to verify the identity of the client;
- (2) Obtain alternative means of contacting the client other than electronically;
- (3) Provide to the client alternative means of contacting the credential holder other than electronically;
- (4) Document if the client has the necessary knowledge and skills to benefit from the type of telepsychology provided by the credential holder;
- (5) Use secure communications with clients, including encrypted text messages via e-mail or secure Web sites, and not use personal identifying information in non-secure communications;
- (6) Inform the client in writing about:
  - (a) The limitations of using technology in the provision of telepsychology;
  - (b) Potential risks to confidentiality of information due to technology in the provision of telepsychology;
  - (c) Potential risks of disruption in the use of telepsychology;
  - (d) When and how the credential holder will respond to routine electronic messages;
  - (e) In what circumstances the credential holder will use alternative communications for emergency purposes;
  - (f) Who else may have access to client communications with the credential holder;
  - (g) How communications can be directed to a specific credential holder;
  - (h) How the credential holder stores electronic communications from the client; and
  - (i) The reporting of clients required by 201 KAR 26:145, Section 7.

Section 3. Competence, Limits on Practice, Maintenance, and Retention of Records. A credential holder using telehealth to deliver psychological services or who practices telepsychology shall:

- (1) Limit the practice of telepsychology to the area of competence in which proficiency has been gained through education, training, and experience;
- (2) Maintain current competency in the practice of telepsychology through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge;
- (3) Document the client's presenting problem, purpose, or diagnosis;
- (4) Follow the record-keeping requirements of 201 KAR 26:145, Section 6; and
- (5) Ensure that confidential communications obtained and stored electronically cannot be recovered and accessed by unauthorized persons when the credential holder disposes of electronic equipment and data.

Section 4. Compliance with Federal, State, and Local Law. A credential holder using telehealth to deliver psychological services or who practices telepsychology shall comply with:

- (1) State law where the credential holder is credentialed and be licensed to practice psychology where the client is domiciled; and
- (2) Section 508 of the Rehabilitation Act, 29 U.S.C. 794(d), to make technology accessible to a client with disabilities;

Section 5. Representation of Services and Code of Conduct. A credential holder using telehealth to deliver psychological services or who practices telepsychology:

- (1) Shall not by or on behalf of the credential holder engage in false, misleading, or deceptive advertising of telepsychology;
- (2) Shall comply with 201 KAR 26:145. (37 Ky.R. 1597; Am. 1987; eff. 3-4-2011.)

**SELECTED MENTAL HEALTH LAW RELATING TO KRS 319**

- Visit <http://www.lrc.ky.gov>
- Select Kentucky Law
- Select KY Revised Statutes (KRS)
- Select Title & Chapter
- Then choose the Chapter for each KRS listed

13B.050 Notice of administrative hearing

13B.080 Conduct of hearing

13B.090 Findings of fact --Evidence--Recording of hearing--Burdens of proof

194A.540 Training courses for mental health professionals and health-care providers

202A.006 Title

202A.008 Authority for administrative regulations

202A.011 Definitions for chapter

202A.012 Application of KRS Chapter 202A

202A.014 Jurisdiction

202A.016 Duty of county attorney

202A.021 Hospitalization of minors--Admission or discharge of voluntary patients

202A.026 Criteria for involuntary hospitalization

202A.028 Hospitalization by court order --Transportation--Release

202A.031 Seventy-two hour emergency admission

202A.041 Warrantless arrest and subsequent proceedings

202A.051 Proceedings for 60-day and 360-day involuntary hospitalizations--Petition contents

202A.053 Venue

202A.056 Certificate contents --Fee

202A.061 Two certifications required

202A.066 Qualified mental health professional retained by respondent

202A.071 Timing of preliminary and final hearings

202A.076 Conduct of hearings

202A.081 Court-ordered community-based outpatient treatment

202A.091 Confidentiality of court records--Expungement

202A.096 Disclosure of communications

202A.101 Notification of receiving hospital or psychiatric facility—Transportation of patient

202A.121 Right to counsel

202A.131 Right to be present

202A.141 Clarification of court orders--Appeals

202A.151 Writ of habeas corpus

202A.161 Timing of initial examination and report

202A.171 When discharge is required

202A.181 Convalescent leave status

202A.185 Peace officer authorized to arrest and return patient to hospital

202A.191 Rights of hospitalized patients

202A.196 Hospital review committee--Treatment plan

202A.201 Mentally ill inmates

202A.202 Transfer of mentally ill or mentally retarded patients between facilities

202A.211 Return of Kentucky residents from other states

202A.221 Hospital care or treatment by agency of United States

202A.231 Transfer to agency of United States

202A.241 Use of least restrictive level of restraint—  
Guidelines for restrained person's need for privacy and ability to use telephone

202A.251 Prohibition against detention in jail without criminal charges pending—  
Criminal charges not to be placed to avoid transportation

202A.261 Certain hospitals not to be required to provide services

202A.271 Rates for payment for provision of hospital services

202A.301 Exemption from personal liability

202A.400 Duty of qualified mental health professional to warn intended victim of patient's threat of violence

202A.410 Duty of administrator to warn law enforcement agency, prosecutor, and Department of Corrections upon discharge, transfer, or escape of involuntarily committed patient charged or convicted of a violent crime--Immunity for acting in good faith--Notification of victim--Administrative regulations

202A.991 Penalties

202B.010 Definitions for chapter

202B.018 Venue for involuntary admission

202B.019 County attorney's duties

202B.021 Voluntary admission to an ICF/MR—

Discharge of voluntarily admitted resident—

Release of voluntarily admitted resident upon written request

202B.025 Temporary admission by authorized staff physician at ICF/MR

202B.030 Placement of involuntarily admitted mentally retarded individual

202B.040 Criteria for involuntary admission

202B.045 Requirements for admission--Discharge planning

202B.050 Rights guaranteed

202B.060 Rights of mentally retarded --Adoption of regulations

202B.070 Exemption from personal liability

202B.080 Title

202B.100 Proceedings for involuntary admission--Petition--Duties of court--Disposition

202B.110 Venue for proceedings subsequent to preliminary hearing

202B.120 Certificate contents--Fee

202B.130 Number of certifications required for involuntary admission--Time limit

202B.140 Witnesses to examination

202B.150 Time of preliminary and final hearings

202B.160 Hearing procedures--Rights of guardians and immediate family members

202B.170 Interim determination and possible dismissal

202B.180 Confidentiality of court records--Expungement--Disclosure by court order

202B.190 Disclosure of professional communications

202B.200 Court to notify cabinet of admission ordered to ICF/MR--Refusal to receive by ICF/MR--Transport of person

202B.210 Right to counsel

202B.220 Right to be present

202B.230 Appeals--Manner--Parties who may appeal

202B.240 Annual review--Interdisciplinary evaluation report--Discharge

202B.245 ICF/MR review committee--Procedure when involuntary resident refuses to participate in treatment plan

202B.250 Review hearing--Procedures--Disposition--Requested hearing by resident of certain persons

202B.260 Petition for writ of habeas corpus

202B.270 Convalescent leave status

202B.280 Peace officer authorized to take absent resident into custody and return resident to ICF/MR

202B.290 Respite care

202B.300 Return of Kentucky residents from other states--Determination of need for further admission

202B.990 Penalties

209.005 Elder Abuse Committee—Membership—Duties—Annual report

209.010 Purpose and application of chapter

209.020 Definitions for chapter

209.030 Rules and regulations--Reports--Cabinet actions

209.040 Cabinet's authority to promulgate administrative regulations on general Adult services

209.050 Immunity from civil or criminal liability

209.060 Privileged relationships not ground for excluding evidence

209.070 Confidentiality of the identity of domestic violence program clients or former clients

209.080 Confidentiality of spousal abuse or neglect investigation information – Exceptions

311.375 Conditions governing use of title "Doctor" or "Dr."

422.317 Copy of patient's medical record to be supplied on patient's written request—  
Exception for Department of Corrections

620.030 Duty to report dependency, neglect or abuse

645.270 Duty of qualified mental health professional to warn intended victim of patient's threat of violence

Rule 507 Psychotherapist-patient privilege